
IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

vs.

JOE R. ALVARADO

Defendant.

ORDER DENYING MOTION FOR
PRODUCTION OF DOCUMENTS

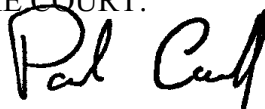
Case No. 1:03-CR-125 PGC

Defendant moves in this criminal matter for copies of documents to support a Section 2255 petition. Defendant, however, has not filed a Section 2255 petition. Accordingly, the court hereby orders that defendant's motion (#94) is denied without prejudice to the filing of a proper Section 2255 petition. The clerks office shall send defendant a Section 2255 packet. This matter shall remain closed.

SO ORDERED.

DATED this 23rd day of August, 2006.

BY THE COURT:



Paul G. Cassell
United States District Judge

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 23 2006

MARKUS B. ZIMMER, CLERK
BY DEPUTY CLERK

RONALD J. YENGICH (#3580)
YENGICH, RICH & XAIZ
Attorneys for Defendant
175 East 400 South, Suite 400
Salt Lake City, Utah 84111
Telephone: (801) 355-0320

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, NORTHERN DIVISION

UNITED STATES OF AMERICA,)	
	)	ORDER CONTINUING
	)	JURY TRIAL
Plaintiff,)	
)	
v.)	
	)	Case No. 1:05CR0051
CHRISTOPHER NAISBITT,)	
	)	Honorable Dee Benson
Defendant.)	

Based upon the motion and for good cause shown;

THIS COURT HEREBY FINDS that the ends of justice served in granting a continuance in the above-entitled matter outweigh the best interests of the public and the defendants in a speedy trial. The Court further finds that the parties have, despite the exercise, of due diligence, not yet completed plea negotiations.

Pursuant to Title 18, § 3161(8)(A) and (B)(iv) of the Speedy Trial Act, the Jury Trial date in this matter, currently set for September 11th, 12th, and 13th, 2006, is hereby continued. The period of delay resulting from this continuance is hereby ordered excludable pursuant to the Act.

IT IS FURTHER ORDERED that the Jury Trial be continued to the 4th and 5th day of December, 2006, at the hour of 8:30 a.m., before Judge Benson.

SIGNED BY MY HAND this 23 day of August, 2006.

BY THE COURT:



HONORABLE DEE BENSON
United States District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Order to Continue 18 U.S.C. § 3161(h)(8)(A) was filed electronically and caused to be served by electronic notice to all parties listed below on this _____ day of August, 2006.

Trina Higgins
Assistant U. S. Attorney
185 South State Street #400
Salt Lake City, Utah 84111

Ronald J. Yengich
YENGICH, RICH & XAIZ
Attorneys for Defendant
175 East 400 South, Suite 400
Salt Lake City, Utah 84111
(801) 355-0320

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

LELAND HOLD,

Plaintiff,

vs.

AUTOLIV ASP, INC., an Indiana
corporation,

Defendant.

**ORDER ON PLAINTIFF'S MOTION
FOR EXTENSION OF TIME TO
RESPOND**

Case No.: 1:05-CV-00017 PGC

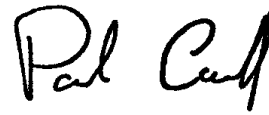
This matter is before the court on the plaintiff's Unopposed Motion for Extension in Response Time. Upon consideration of the motion and the stipulation of the parties, the court grants the plaintiff an extension of time in which to file a response to the defendant's motion for summary judgment. The plaintiff must file a memorandum in opposition to the defendant's motion on or before August 28, 2006.

However, in order to preserve the scheduled trial date, the court modifies the defendant's requested date on which to file a reply. The defendant shall file a reply, if any, on or before September 14, 2006. No additional time will be granted for electronic filing. The reply must be electronically filed by September 14, 2006, or it will not be considered timely.

When seeking any future extensions, counsel for the plaintiff is reminded to explain the cause, as required by the rules.¹ The court GRANTS the stipulated motion for an extension of time [#30] in part.

DATED this 23rd day of August, 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Paul Cassell". The signature is written in a cursive, slightly stylized font.

Paul G. Cassell
U.S. District Judge

¹See Fed. R. Civ. P. 6(b); D.U. Civ. 7-1(b)(1).

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 23 2006

MARKUS B. ZIMMER, CLERK
BY DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH - NORTHERN DIVISION

MICHELLE HOUSTON,

Plaintiff,

vs.

COSTCO WHOLESALE CORPORATION,

Defendant.

ORDER

Case No. 1:05-CV-00025

Judge Dee Benson

Before the Court is Defendant Costco Wholesale Corporation's Motion for Summary Judgment. Based upon the Supreme Court's ruling in Burlington Industries, Inc. v. Ellerth, 524 U.S. 742 (1998), and the reasons set forth in Defendant's briefs, the Court GRANTS Defendant's motion for summary judgment and dismisses Plaintiff's complaint with prejudice.

IT IS SO ORDERED.

DATED this 23rd day of August, 2006.

BY THE COURT:



DEE BENSON
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

FILED
2006 JUL 26 P 3:04

JEROME R. MARX,
Plaintiff,

vs.

JO ANNE B. BARNHART,
Commissioner of Social
Security,
Defendant.

DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

ORDER


Case No. 1:05-CV-127 SA

Based on Plaintiff's motion for enlargement of time and good cause appearing,

IT IS HEREBY ORDERED that Plaintiff may have up to and including July 26, 2006, to file his reply brief.

DATED this 26th day of July, 2006.

BY THE COURT:



Samuel Alba
United States Chief Magistrate Judge

UNITED STATES DISTRICT COURT AUG 23 2006

Northern

District of

MARKUS B. ZIMMER, CLERK
BY Utah

DEPUTY CLERK

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

SHILOH BEECHER

Case Number: DUTX106CR000004-001

USM Number: 13261-081

Henri Sisneros

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 1 of the Indictment

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
21 USC § 841(a)(1)	Possession of a Controlled Substance with Intent to to Distribute Fifty Grams of Methamphetamine (Actual)		1
18 USC § 2	Aiding and Abetting		1

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

8/21/2006

Date of Imposition of Judgment

Signature of Judge

Paul Cassell

US District Judge

Name of Judge

Title of Judge

Date

8/22/06

DEFENDANT: SHILOH BEECHER
CASE NUMBER: DUTX106CR000004-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

120 months under an 11 (c)(1)(C) agreement

☒ The court makes the following recommendations to the Bureau of Prisons:

The RDAP program; Placement first at a facility in Oregon for the educational opportunities, or second, placement in a facility in Colorado to facilitate family visitation.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: SHILOH BEECHER
CASE NUMBER: DUTX106CR000004-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

60 months

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: SHILOH BEECHER
CASE NUMBER: DUTX106CR000004-001

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall submit his person, residence, office, or vehicle to a search, conducted by the United States Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
2. The defendant will submit to drug/alcohol testing as directed by the probation office, and pay a one-time \$115 fee to partially defer the costs of collection and testing.
3. The defendant shall participate in drug and/or alcohol abuse treatment under a copayment plan as directed by the United States Probation Office and shall not possess or consume alcohol during the course of treatment, nor frequent businesses where alcohol is the chief item of order.

DEFENDANT: SHILOH BEECHER
CASE NUMBER: DUTX106CR000004-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	--------------------	----------------------------	-------------------------------

TOTALS	\$ <u>0.00</u>	\$ <u>0.00</u>
--------	----------------	----------------

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: SHILOH BEECHER
CASE NUMBER: DUTX106CR000004-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Pages 7 - 10

are the

Statement of Reasons,
which will be docketed
separately as a sealed
document

United States District Court
District of Utah

UNITED STATES OF AMERICA

VS.

JANNETTE B. MAUGHAN

2006 JUL 28 A 8:45
JUDGMENT IN A CRIMINAL CASE
 DISTRICT OF UTAH

Case Number: DEPUTY CLERK CR-00055 BCWPlaintiff Attorney: Stanley OlsenDefendant Attorney: Jannette Maughan, Pro Se; Shannon Demler (not present)Atty: CJA Ret X FPD Defendant's Soc. Sec. No.: Defendant's Date of Birth: Defendant's USM No.: Defendant's Residence Address: Country 7/27/06

Date of Imposition of Sentence

Defendant's Mailing Address: Country

THE DEFENDANT:

☒ pleaded guilty to count(s) 1☐ pleaded nolo contendere to count(s)
which was accepted by the court.☐ was found guilty on count(s) COP 7/27/06 Verdict **Title & Section**

18 U.S.C. § 641

Nature of Offense

Theft/Embezzlement of U.S. Property

**Count
Number(s)**

1

☐ The defendant has been found not guilty on count(s) count ☐ Count(s) (is)(are) dismissed on the motion of the United States.**SENTENCE**

Pursuant to the Sentencing Reform Act of 1984, it is the judgment and order of the Court that the defendant be committed to the custody of the United States Bureau of Prisons for a term of

12 months, suspendedUpon release from confinement, the defendant shall be placed on supervised release for a term of The defendant is placed on Probation for a term of 24 months.

The defendant shall not commit another federal, state or local crime.

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release/probation that the defendant pay any such fine or restitution in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties section of this judgment.

CRIMINAL MONETARY PENALTIES

FINE

The defendant shall pay a fine in the amount of \$ **2,500.00, suspended. \$250.00 to be paid during probation period.**, payable as follows:

- ☐ forthwith.
- ☐ in accordance with the Bureau of Prison's Financial Responsibility Program while incarcerated and thereafter pursuant to a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☒ in accordance with a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☐ other:

☐ The defendant shall pay interest on any fine more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f).

☐ The court determines that the defendant does not have the ability to pay interest and pursuant to 18 U.S.C. § 3612(f)(3), it is ordered that:

- ☐ The interest requirement is waived.
- ☐ The interest requirement is modified as follows:

RESTITUTION

The defendant shall make restitution to the following payees in the amounts listed below:

<u>Name and Address of Payee</u>	<u>Amount of Loss</u>	<u>Amount of Restitution Ordered</u>
Corporation for National & Community Service c/o Pam Montgomery Accounting Department 1201 New York Avenue N.W. Washington, D.C. 20525	\$8,164.68	\$8,164.68
Totals: \$	8,164.68	\$ 8,164.68

(See attachment if necessary.) All restitution payments must be made through the Clerk of Court, unless directed otherwise. If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless otherwise specified.

☒ Restitution is payable as follows:

☒ in accordance with a schedule established by the U.S. Probation Office, based upon the defendant's ability to pay and with the approval of the court.

☐ other: _____

☐ The defendant having been convicted of an offense described in 18 U.S.C. § 3663A(c) and committed on or after 04/25/1996, determination of mandatory restitution is continued until _____ pursuant to 18 U.S.C. § 3664(d)(5)(not to exceed 90 days after sentencing).

☐ An Amended Judgment in a Criminal Case will be entered after such determination

SPECIAL ASSESSMENT

The defendant shall pay a special assessment in the amount of \$ 25.00 , payable as follows:

☒ forthwith.

☐ _____

PRESENTENCE REPORT / OBJECTIONS

☐ The court adopts the factual findings and guideline application in the presentence report.

☐ The court adopts the factual findings and guideline application in the presentence report, except as set forth below:

Guideline Range Determined by the Court:

Total Offense Level: _____

Criminal History Category: _____

Imprisonment Range: _____ to _____ months

Supervised Release Range: _____ to _____ years

Fine Range: _____ to _____

RECOMMENDATION

- ☐ Pursuant to 18 U.S.C. § 3621(b)(4), the Court makes the following recommendations to the Bureau of Prisons:

CUSTODY/SURRENDER

- ☐ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the Washington County Correctional Facility at Purgatory at _____ on _____.
- ☐ The defendant shall report to the _____ institution designated by the Bureau of Prisons by _____ Institution's local time, on _____.

DATE:

7/27/06

Brooke C. Wells
 Brooke C. Wells
 United States Magistrate Judge

STEPHEN J. SORENSON, Acting United States Attorney (#3049)
JEANNETTE F. SWENT, Assistant United States Attorney (#6043)
Attorneys for the United States of America
185 South State Street, Suite 400
Salt Lake City, Utah 84111-1506
Telephone (801) 524-5682

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 22 2006

MARKUS B. ZIMMER, CLERK
BY DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, NORTHERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,	)	ORDER
)	
vs.)	
)	
RANDALL JACK POLLOCK,	)	Case No. 1:99CR00042-001
)	
Defendant,	)	Honorable Dale A. Kimball

The Court, having received the Stipulation of the parties dated August 17, 2006
and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. Judgment was entered on March 31, 2000 in the total sum of \$20,756.78 in favor of the United States of America (hereafter the "United States") and against Randall Jack Pollock (hereafter "Pollock").
-

2. Pollock has agreed to pay and the United States has agreed to accept monthly installment payments from him in the amount of \$100.00 commencing on the 15th day of July, 2006 and continuing thereafter on the 15th day of each month for a period of 12 months. At the end of said time period, and yearly thereafter, Pollock shall submit a current financial statement to the United States Attorney's Office. This payment schedule will be evaluated and may be modified, based on the documented financial status of Pollock.

3. In addition to the regular monthly payment set forth in paragraph 2, above, Pollock has agreed that the United States may submit his debt in the above-captioned case to the State of Utah and the U.S. Department of Treasury for inclusion in the State Finder program and the Treasury Offset program. Pollock understands that under these programs, any state or federal payment that he would normally receive may be offset and applied toward the debt in the above-captioned case.

4. Pollock shall submit all financial documentation in a timely manner and keep the United States Attorney's Office apprised of the following:

- a. Any change of address; and
- b. Any change in employment.

5. The United States has agreed to refrain from execution on the judgment so long as Pollock complies strictly with the agreement set forth in paragraphs 2 and 4, above. In the event Pollock fails to comply strictly with the terms set forth in the Stipulation dated

August 17, 2006, the United States may move the Court ex parte for a writ of execution and/or a writ of garnishment or any other appropriate order it deems necessary for the purpose of

obtaining satisfaction of the judgment in full.

DATED this 22nd day of August, 2006.

BY THE COURT:

Dale A. Kimball

Dale A. Kimball, Judge
United States District Court

APPROVED AS TO FORM:

Randall J. Pollock

RANDALL JACK POLLOCK
Defendant

Mark E. Hindley (7222)
Cameron L. Sabin (9437)
STOEL RIVES LLP
201 S Main Street, Suite 1100
Salt Lake City, UT 84111
Telephone: (801) 328-3131

Attorneys for Third-Party Defendant

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 23 2006

MARKUS B. ZIMMER, CLERK
BY DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

APPLIED SIGNAL AND IMAGE
TECHNOLOGY, INC.,

Plaintiff,

v.

ATLAS STOCK TRANSFER
CORPORATION,

Defendant.

ATLAS STOCK TRANSFER
CORPORATION,

Third-Party Plaintiff,

v.

EARTH SEARCH SCIENCES, INC.,

Third-Party Defendant.

**[PROPOSED] ORDER APPROVING
THIRD-PARTY DEFENDANT'S
MOTION FOR EXTENSION OF TIME
TO FILE MEMORANDUM IN
OPPOSITION TO THIRD-PARTY
PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT**

Case No. 2:02-CV-1376-DB

The Honorable Dee Benson

This matter came before the Court on third-party defendant Earth Search Sciences, Inc.'s ("ESSI") Motion for Extension of Time to File Memorandum in Opposition to Third-Party Plaintiff's Motion for Summary Judgment. Having considering the Motion, and good cause appearing therefore, THE COURT HEREBY ORDERS AS FOLLOWS:

ESSI's Motion is GRANTED. ESSI shall have 15 business days following the September 12, 2006 status conference to file its memorandum in opposition to Atlas Stock Transfer Corporation's Motion for Summary Judgment in the above-captioned action.

DATED this 23rd day of August 2006.

BY THE COURT:

A handwritten signature in black ink that reads "Dee Benson". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

The Honorable Dee Benson
District Court Judge

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 23 2006

MARKUS B. ZIMMER, CLERK
BY
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH - CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHAWN SCHILLINGER ALLRED,

Defendant.

ORDER

Case No. 2:03-CR-1011 DB

Judge Dee Benson

Before the Court is Defendant Shawn Allred's Motion for Release Pending Appeal. The Court concludes that Mr. Allred does not meet the conditions for release enumerated in 18 U.S.C. section 3143(b). Accordingly, the Court DENIES Defendant's motion.

IT IS SO ORDERED.

DATED this 23rd day of August, 2006.



Dee Benson
United States District Judge

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 22 2006

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

MARKUS B. ZIMMER, CLERK
DEPUTY CLERK

THE SCO GROUP,

Plaintiff/Counterclaim-Defendant,

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Defendant/Counterclaim-Plaintiff.

**ORDER FOR PRO HAC VICE
ADMISSION OF JOHN J. BROGAN**

Civil No. 2:03cv294 DAK

District Judge Dale A. Kimball

Magistrate Brooke C. Wells

It appearing to the Court that John J. Brogan meets the pro hac vice admission requirements of DUCivR 83-1.1(d), the motion for admission pro hac vice of Mr. Brogan in the United States District Court, District of Utah is GRANTED.

IT IS SO ORDERED.

DATED this 22^d day of August, 2006.


U.S. District Judge Dale A. Kimball

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 22 2006

MARKUS B. ZIMMER, CLERK
BY DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

THE SCO GROUP,

Plaintiff/Counterclaim-Defendant,

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Defendant/Counterclaim-Plaintiff.

**ORDER FOR PRO HAC VICE
ADMISSION OF DEVAN V.
PADMANABHAN**

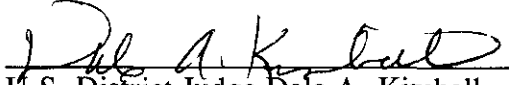
Civil No. 2:03cv294 DAK

District Judge Dale A. Kimball

Magistrate Brooke C. Wells

It appearing to the Court that Devan V. Padmanabhan meets the pro hac vice admission requirements of DUCivR 83-1.1(d), the motion for admission pro hac vice of Mr. Padmanabhan in the United States District Court, District of Utah is GRANTED.

DATED this 22nd day of August, 2006.


U.S. District Judge Dale A. Kimball

Bryon J. Benevento (5254)
Kimberly Neville (9067)
Snell & Wilmer L.L.P.
15 West South Temple, Suite 1200
Gateway Tower West
Salt Lake City, Utah 84101-1004
Telephone: (801) 257-1900
Facsimile: (801) 257-1800

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 22 2006

MARKUS B. ZIMMER, CLERK
BY _____
DEPUTY CLERK

Walter Greenough (*Pro Hac Vice*)
Jonathan Judge (*Pro Hac Vice*)
Schiff Hardin LLP
6600 Sears Tower
Chicago, IL 60606
Telephone: (312) 258-5587
Fax: (312) 258-5600

Attorneys for Defendant Dorel Juvenile Group, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

AMBER McCALLISTER, parent of
ZACHARY McCALLISTER, deceased,

Plaintiff,

vs.

DOREL INDUSTRIES, INC.; DOREL U.S.A.,
INC.; DOREL JUVENILE GROUP, INC.;
COSCO, INC.; CODY McCALLISTER; and
DOES I through X,

Defendants.

**~~PROPOSED~~ ORDER RE
NOTICE OF REMOVAL OF
COUNSEL FROM SERVICE LIST**

Case No. 03-CV-427 DAK

Honorable Dale A. Kimball

Based upon the Notice of Removal of Counsel from Service List, it is hereby ordered that Aaron Forester may withdraw as counsel for Defendants Dorel Juvenile Group, Inc., and that his name be removed from the CM/ECF System and all service lists in the above entitled matter.

DATED this 22^d day of August, 2006.



The Honorable Dale A. Kimball

Rule 56(f) Motion to Continue Time for Defendants to Respond to Plaintiffs' Motion for Partial Summary Judgment, the reasons and grounds set forth therein, and good cause shown,

IT IS HEREBY ORDERED that Plaintiffs' motion is granted. Plaintiffs have to and including August 30 to respond to *Defendants' Motion to Strike Plaintiffs' Motion for Partial Summary Judgment on Liability and Defendant's Alternative Rule 56(f) Motion to Continue Time for Defendants to Respond to Plaintiffs' Motion for Partial Summary Judgment*.

DATED this 23rd day of August, 2006.

BY THE COURT:



DALE A. KIMBALL
United States District Judge

Approved as to form:

William F. Hanson
Assistant Utah Attorney General

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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

MICHAEL GRANIERI,

Plaintiff,

v.

BRUCE BURNHAM, M.D., ET AL.,

Defendants.

**ORDER AWARDING
ATTORNEY'S FEES**

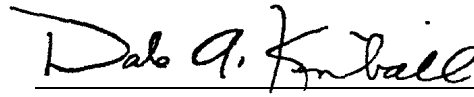
Case No. 2:03CV771DAK

This matter is before the court on Plaintiff's Motion for Entry of Judgment on Attorney's Fees. The Court's Memorandum Decision and Order, dated August 9, 2006, allowed Plaintiff to submit his attorney's fees in connection with the Defendant's second Motion for Summary Judgment.

The court has reviewed the Affidavit of Budge W. Call with regard to the attorney's fees incurred in relation to the summary judgment motion. The court finds that a reasonable amount of hours spent on this matter would include: 30 hours of time for reviewing, researching, and responding to the motion for summary judgment; and, 20 hours for responding to the motion to strike and preparing for and attending the hearing on the motions. The court also finds the copy costs of \$17.59 to be reasonable. Furthermore, the court finds counsel's rate of \$225 to be reasonable and comparable to fees charged by other attorneys with his level of experience.

Therefore, the court awards Plaintiff attorney's fees and costs in the amount of \$11,267.59 against Defendants.

DATED this 23rd day of August, 2006.

A handwritten signature in black ink, reading "Dale A. Kimball". The signature is written in a cursive, flowing style. The first name "Dale" is written with a large, prominent "D". The last name "Kimball" is written with a large, prominent "K". The signature is written on a white background.

DALE A. KIMBALL
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

SEAN T. HUGHES,

Plaintiff,

v.

MIKE CHABRIES et al.,

Defendants.

Case No. 2:03-CV-910 DB

O R D E R

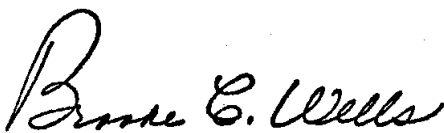
Plaintiff, Sean T. Hughes, an inmate in the State of California, filed this *pro se* civil rights suit under 42 U.S.C. § 1983 while at the Utah State Prison. See 42 U.S.C.S. § 1983 (2005). Plaintiff's motion to proceed *in forma pauperis* under 28 U.S.C. § 1915 was granted. See 28 *id.* § 1915. On September 30, 2005, the Court entered a screening order dismissing numerous individuals from this suit and directing official service of process upon the remaining Defendants. Defendants were properly served and filed a timely Answer to the Complaint on December 8, 2005. On December 27, 2005, Plaintiff requested a ninety day extension of time to file a response to Defendants' Answer, stating that he was on lockdown and did not have access to any legal materials. The Court assumed Plaintiff was referring to a motion of some sort, since a response to an answer is not permitted under the Federal Rules of Civil Procedure. See Fed. R. Civ. P. 7(a). Over seven months have now passed without any

contact from Plaintiff, and it is unclear whether Plaintiff still resides at his address of record.

Accordingly, **IT IS HEREBY ORDERED** that Plaintiff shall within thirty days of this order, show cause why this case should not be involuntarily dismissed under Rule 41(b) based on Plaintiff's failure to prosecute and failure to keep the Court informed of his current address. See Fed. R. Civ. P. 41(b).

DATED this 22nd day of August, 2006.

BY THE COURT:

A handwritten signature in black ink, reading "Brooke C. Wells". The signature is written in a cursive, flowing style. The first letter "B" is large and loops around the first few letters. The signature is positioned above a horizontal line.

Brooke C. Wells
United States Magistrate Judge

BRETT L. TOLMAN, United States Attorney (#8821)
D. LOREN WASHBURN, Assistant United States Attorney (#10993)
JARED E. DWYER, Special Assistant United States Attorney
Attorneys for the United States of America
185 South State Street, Suite 400
Salt Lake City, Utah 84111
Telephone: (801) 524-5682 Fax: (801) 524-4475
loren.washburn@usdoj.gov

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 23 2006

MARKUS B. ZIMMER, CLERK
BY DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 2:04 CR 00040 DS

vs.

ORDER

STEVEN C. CHRISTENSEN, and
DIANE C. CHRISTENSEN,

JUDGE DAVID SAM

Defendants.

Upon motion of the United States and after a telephonic conference with counsel for both Defendants and for the United States, it is hereby ORDERED that the Defendants' pre-sentence release is revoked pursuant to 18 U.S.C. § 3148(b).

BY THE COURT:



DAVID SAM
United States District Court Judge

8/23/06

BRETT L. TOLMAN, United States Attorney (#8821)
BARBARA BEARNSON, Assistant United States Attorney (#3986)
Attorneys for the United States of America
185 South State Street #400
Salt Lake City, Utah 84111
Telephone: (801) 524-5682

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	2:04CR 112 PGC
	:	
Plaintiff,	:	ORDER CONTINUING TRIAL
	:	
vs.	:	
	:	
MAXWELL POWELL,	:	
	:	
Defendant.	:	

Based on motion of the defendant and good cause appearing, this Court finds that the ends of justice served by continuing this trial outweigh the best interest of the public and the defendant in a speedy trial, and further finds that the continuance is necessary to provide the defendant an opportunity to effectively prepare for trial, taking into account due diligence, and further given significant efforts to resolve the case short of trial which have now been exhausted without an agreement by the parties, and given the need for the parties to resolve all pending motions for discovery and related matters. Based on the

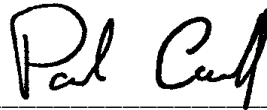
foregoing,

IT IS HEREBY ORDERED that the trial is continued to 10/02/2006 at 8:00 a.m.

IT IS FURTHER ORDERED that, pursuant to 18 U.S.C. § 3161(h)(1) and (8), all time resulting from this delay, including the period of time from June 29, 2004, to the new trial date is excluded from the calculation of time for speedy trial.

DATED this 23rd day of August, 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Paul Cassell", is written over a horizontal line.

PAUL G. CASSELL
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the United States Attorney's Office and that a copy of the foregoing proposed Order to Continue was provided to the following on this 21st day of August, 2006.

Jim Garrett
2091 East 1300 South, #201
Salt Lake City, Utah 84108

Rebecca Hyde
9 Exchange Place, # 1104
Salt Lake City, Utah 84111

/s/ Emily Adams

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

LYNN ROGERS,
Plaintiff,

vs.

ANDRUS TRANSPORTATION SERVICES,
Defendants.

ORDER DENYING MOTION FOR
RECONSIDERATION AND RELIEF
FROM FINAL JUDGMENT

Case No. 2:04-CV-00994 PGC

On August 9, 2006, the court denied plaintiff Lynn Rogers' motion to continue the trial date set for September 11, 2006 and dismissed his case without prejudice [#23]. Mr. Rogers has now filed a motion to reconsider the court's previous order because it has supposedly "recently been discovered that Plaintiff will be released from incarceration between August 26, 2006, and September 1, 2006, and available for the September 11, 2006, trial date." Mr. Rogers' counsel states that he has received correspondence from Mr. Rogers stating that he has been granted an early release beginning September 1, 2006. Mr. Rogers' counsel also has verified that Mr. Rogers' *projected* release date is August 24, 2006.

Mr. Rogers moves under Fed. R. Civ. P. Rule 59(e) to alter or amend the judgment because such relief "is appropriate where the court has misapprehended the facts, the parties'

positions, or the controlling law.”¹ He seeks alteration from the court “to address intervening change in the controlling law, new evidence previously unavailable, or to correct clear error or manifest injustice.”² He asserts that, while it was previously unclear when he would be leaving the Texas penal system, it is now clear – at least in his mind – that he will be released sometime between August 26th and September 1st.

Mr. Rogers’ motion for reconsideration is not well founded. First, the court noted in its previous order that Mr. West filed his 42 U.S.C. § 12101 complaint against defendant Andrus Transportation Services on October 26, 2004, but never informed the court that he was incarcerated. Apart from a December 2, 2005 order amending the scheduling order and setting deadlines for discovery, dispositive motions and a trial date, the court never heard again from Mr. Rogers or his counsel. On June 22, 2006, concerned about maintaining the trial date as scheduled, the court *itself* ordered the parties to provide a joint status report on the parties’ intention to proceed. The parties’ joint status report indicated that the parties had only filed the required initial disclosures and conducted partial initial written discovery over the past two years. That report from the parties – agreed to by Mr. Roger’s attorney – also indicated that Mr. Rogers would not be released by the September trial date.

Second, although Mr. Rogers’ official release date was on June 5, 2007, given his previous representations of his release date, the court found it difficult to plan based on Mr. Rogers’ guess as to his release date. He now states that he knows he will be released within an

¹ *Servants of the Paraclete v. Doe*, 204 F.3d 1005, 1012 (10th Cir. 2000).

² *Id.*

imminent time frame, but the court finds these representations are still too speculative. Mr. Rogers has “cried wolf” a number of times on his pending release date, especially to his own counsel, and the court is unwilling to rearrange its calendar based on Mr. Rogers’ anticipated release until he is actually released. Even if he is accurate about the *current projected* release date, of course things could change between now and then. For example, Mr. Rogers could commit a disciplinary violation in prison. Or the prison authorities could reach a different conclusion.

Third, the court noted that the parties – including in particular Mr. Rogers – failed to timely raise difficulties with discovery. Indeed, had the court known of these difficulties earlier, dealing with them would have been far simpler.

Fourth, the court stated that it had set Mr. Rogers’ trial date on its calendar for nearly two years. As a result of Mr. Rogers’ *own* representation that he would *not* be released in time for trial, the court struck the trial date. The court has now placed a number of pressing criminal and civil hearings in the time that it previously scheduled for his trial. It would be quite burdensome to the court – and to the attorneys and litigants in those cases – to reschedule those new matters. Moreover, even if the trial date were to be reinstated, Mr. Rogers has not clearly demonstrated that he would be ready to proceed with the trial, given the very limited amount of preparation that seems to have been done.

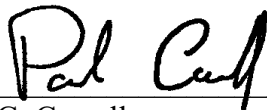
In sum, Mr. Rogers has not shown that the court misapprehended the facts represented to it by his counsel, nor has he shown that it has misapprehended the parties’ positions or the controlling law. And Mr. Rogers has not shown an intervening change in the controlling law or

any clear error or manifest injustice. Accordingly, there is no reason to reconsider the court's ruling dismissing his case without prejudice. Again, the court notes that any problem in this matter could have been easily avoided had Mr. Rogers' counsel actually raised these issues in a timely fashion. Having declined to keep the court apprised of the situation, dismissal continues to be appropriate. The court DENIES Mr. Rogers' motion for reconsideration and relief from final judgment [#24]. This case is to remain closed.

SO ORDERED.

DATED this 23rd day of August, 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Paul Cassell", written over a horizontal line.

Paul G. Cassell
United States District Judge

United States District Court
for the District of Utah

Petition and Order for Summons for Offender Under Supervision

Name of Offender: **Shad Knighton**

Docket Number: 2:05-~~PR~~100375-001

FILED

Name of Sentencing Judicial Officer:

**Honorable Robert T. Braithwaite
United States Magistrate Judge**

AUG 21 2006

Date of Original Sentence: **August 22, 2005**

**ROBERT T. BRAITHWAITE
U.S. MAGISTRATE**

Original Offense: **Possession of a Controlled Substance - Marijuana**

Original Sentence: **12 months probation**

Type of Supervision: **Probation**

Supervision Began: **August 22, 2005**

PETITIONING THE COURT

☒ To issue a summons

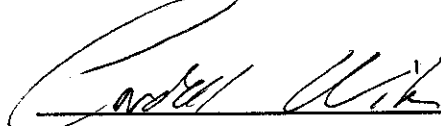
CAUSE

The probation officer believes that the offender has violated the conditions of supervision as follows:

Allegation No. 1: The defendant failed to make his fine payment of \$1,000, and his special assessment fee of \$25, as directed.

Allegation No. 2: The defendant failed to make his urinalysis payment of \$115, as directed.

I declare under penalty of perjury that the foregoing is true and correct



Cordell Wilson, U.S. Probation Officer

Date: August 8, 2006

THE COURT ORDERS:

- ☒ The issuance of a summons
☐ The issuance of a warrant
☐ No action
☐ Other



Honorable Robert T. Braithwaite
United States Magistrate Judge

Date: 8-21-06

United States District Court
for the District of Utah

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

Petition and Order for Summons

AUG 04 2006

BY MARKUS B. ZIMMER, CLERK
OFFICE CLERK

Name of Offender: **Courtney D. Love**

Docket Number: **2:05-cr-00452-BCW**

Name of Sentencing Judicial Officer: **Honorable Brooke C. Wells**
United States Magistrate Judge

Date of Original Sentence: **August 11, 2005**

Original Offense: **Count I: Simple Possession of a Controlled Substance, Marijuana**

Original Sentence: **Count I: \$1000.00 fine; \$25.00 SAF**

Type of Supervision: **12 months court probation**

Supervision Began: **August 11, 2005**

PETITIONING THE COURT

☒ To issue a summons 370 West 840 South
Orem, Utah 84058

CAUSE

The probation officer believes that the offender has violated the Judgement and Sentence as follows:

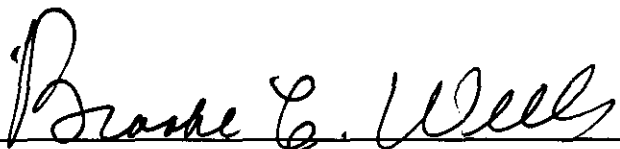
Allegation No. 1: The defendant failed to comply with the financial and counseling obligations imposed by the Court.

I declare under penalty of perjury that the foregoing is true and correct


Tom Ogden, United States Probation Officer
Date: August 1, 2006

THE COURT ORDERS:

- ☒ The issuance of a summons
☐ The issuance of a warrant
☐ No action
☐ Other


Honorable Brooke C. Wells
United States Magistrate Judge

Date: 8/3/06

AUG 23 2006

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

MARKUS B. ZIMMER, CLERK
DEPUTY CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DARREN BRAD WEST,

Defendant.

ORDER ON SENTENCING

Case No. 2:05-CR-00616 PGC

On December 9, 2005, Mr. West pleaded guilty to two counts of violating 21 U.S.C. § 841(c), possession of List I and List II substances (namely iodine and phosphorous) to manufacture methamphetamine. The matter is now before the court for sentencing. Under the federal sentencing guidelines, the advisory guideline range turns on how much methamphetamine Mr. West could have produced with iodine and phosphorous he possessed. The court finds that 300 grams of methamphetamine is a reasonable, conservative estimate of the amount – and is, indeed, an amount that his own expert calculated. The court therefore bases his sentence on this figure.

BACKGROUND

The Drug Enforcement Agency first focused on Mr. West when the president of PBS Livestock Health contacted them regarding a large order of 7% iodine to John Walker totaling

some 84 pints. Mr. Walker's address was the address where Mr. West, his wife and his children lived. In June 2005, the DEA contacted Mr. West about the shipments of iodine to his home. Mr. West admitted that he had used the name "John Walker" to order the iodine and that he knew it was to be used to produce methamphetamine. He claimed, however, that the actual production was being done by his neighbor, Jay Sykes. The DEA investigated further, finding that Mr. Sykes had committed suicide a few days prior to the DEA's first contact with Mr. West. A subsequent search of Mr. Sykes' home found no evidence of any illegal drug production. The DEA also searched Mr. West's trash, however, finding 199 matchbook striker plates and a receipt for the purchase of 200 matchbooks. Such matchbooks are often used to procure the red phosphorus necessary to produce methamphetamine. The DEA found no further lab components or lab parts associated with the production of methamphetamine, and Mr. West continuously denied any involvement or knowledge of the production process. He later pled guilty to illegal possession of a List I chemical – phosphorus – and a List II chemical – iodine.

DISCUSSION

Under the federal sentencing guidelines, the advisory sentence for Mr. West's offenses hinges on the amount of actual methamphetamine that Mr. West could have produced from the chemicals he illegal possessed. The probation office, the government, and Mr. West offer different estimates of this amount. The probation office, using the 1-2-3 conversion formula provided by the DEA Laboratories, concluded that a theoretical cook could produce 917 grams of

methamphetamine with the 87 pints of iodine found.¹ The government expert, John S. Chappell, reported that based on recipes from clandestine laboratories, 1.2 kilograms of actual methamphetamine could have been produced.²

Mr. West responds that these estimates are speculative and based on generalizations about the use of iodine in the methamphetamine manufacturing process. He provides an analysis from his own expert, Robert K. Lantz, who determined a lower figure was appropriate. As summarized in Mr. West's sentencing memorandum:

[Dr. Lantz] suggested that a theoretical cook "might have been able to make 100-300 grams of methamphetamine." This estimate of course still depends on the availability of other precursor materials and the expertise of the cook. In applying Dr. Lantz's numbers to determine a Guideline level, the starting base level is 26, if the theoretical amount is under 200 grams or a 28 if the theoretical amount is between 200 but less than 350 grams. . . . [Dr. Lantz's] calculation of a based level 26 is an adequate and fair theoretical calculation and the court should use that number as a baseline in determine the sentence.³

Mr. West's calculations of the Guidelines range (a level 26 or 28) assume that the 100 to 300 grams referred to by Dr. Lantz is not *actual* methamphetamine, but simply a mixture or substance some component of which contains methamphetamine. If Dr. Lantz is referring to 100 to 300 grams of *actual* methamphetamine, then his Guideline range would be either a 32 (assuming 100 grams of actual methamphetamine) or a 34 (assuming 300 grams of actual methamphetamine).⁴

¹ Gov't Resp. to Def's Sent. Memo., Docket No. 31, Aug. 3, 2006, Ex. A, at 5 (Det. Boelter Report of Investigation).

² Report of John S. Chappell.

³ Defendant's Sentencing Memo. at 8-10 (paragraphing ignored).

⁴ See U.S.S.G. § 2D1.1(3) & (4).

Having carefully reviewed Dr. Lantz's report, the court finds that Dr. Lantz was referring to 100 to 300 grams of *actual* methamphetamine. The context of his report suggests the precision associated with calculating actual methamphetamine. Moreover, it would make no sense to calculate a precise amount that could be produced – "100 to 300 grams of methamphetamine" in the words of the report – if that amount itself were then subject to some further ambiguous dilution. The court's efforts at understanding the calculation were hampered by Dr. Lantz's failure to provide any explanation for the calculation.

In the interest of making sure that the court was not misunderstanding Dr. Lantz's report, the court continued the sentencing of this case to give the defense an opportunity to file a supplemental report from Dr. Lantz. The court asked that this supplemental report indicate the amount of actual methamphetamine that Dr. Lantz thought could be produced, particularly if the court was misunderstanding Dr. Lantz's reference to 100 to 300 grams. The court doubted that it was misapprehending what Dr. Lantz was saying, but wanted to give the defendant every opportunity to clear up any confusion.

Mr. West then provided a supplemental letter from Dr. Lantz.⁵ Interestingly, the letter never refers directly to the 100 to 300 gram estimate in the earlier report. Instead, the letter essentially beats around the bush by reiterating the uncertainties that attend the process of estimating methamphetamine yield rates. Indeed, the supplement letter fails to offer *any* specific amount of actual methamphetamine that could have been produced from the iodine Mr. West

⁵ Supplemental Sentencing Material, Docket No. 35 (Aug. 21, 2006) (Dr. Lantz Supplemental Letter).

procured. The letter does briefly impurities, but does not bring those impurities to bear on the 100 to 300 gram estimate. Finally, the supplemental letter does not provide any of the underlying mathematics or statistical support for the 100 to 300 gram calculation.

In the interests of simplifying this case, the court will therefore proceed to calculate the guideline range based on Dr. Lantz's earlier estimate of 100 to 300 grams of actual methamphetamine, finding that this, in this particular case, it is a reasonable estimate of what Mr. West could have produced with his iodine. The court not need resolve whether the correct figure is exactly 100 grams or 300 grams, as it would impose the same sentence in either event.⁶

Proceeding in this fashion gives Mr. West far more than he is entitled to. If the court had to make a finding on which estimation technique is most reasonable, it would find that the 1-2-3 conversion formula (which is the standard used in this court) is the best. In support of this approach, the government proffered the expert testimony of Detective Tyler J. Boelter, who has spent over ten years with the Salt Lake City Police Department and has participated in a number of training sessions regarding Narcotics and Narcotics Laboratories. Detective Boelter stated that he "knows from training and experience that 84 pints of 7% iodine tincture will result in approximately 84 ounces of crystallized iodine. [And] using the 1-2-3 (Red, White and Blue) method of manufacturing methamphetamine, which is commonly used throughout the state of Utah, individuals can manufacture approximately 28 ounces of actual methamphetamine."⁷ This

⁶ See Fed. R. Crim. P. 32(h)(3)(B).

⁷ Gov't Resp. to Def's Sent. Memo., Docket No. 31, Aug. 3, 2006, Ex. A, at 5 (Det. Boelter Report of Investigation).

would result in approximately 793.8 grams of actual methamphetamine. The court finds that Detective Boelter has a more accurate calculation of yields than Dr. Lantz, but will give the defendant the benefit of the doubt. The court also finds that Detective Boelter is more qualified than Dr. Lantz, particular in reaching a realistic calculation about how much methamphetamine could have been produced “on the ground” here in Utah from a real world clandestine laboratory.

In sum, using a 100 to 300 gram figure is a very, very conservative estimate – but nonetheless a reasonable estimate – of the amount of methamphetamine Mr. West could have produced.

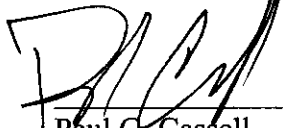
CONCLUSION

The court finds that under U.S.S.G. § 2D1.1, Mr. West’s Total Offense Level is either a 34 or a 32 and that his Criminal History Category is I.. His adjusted offense level (subtracting three levels for acceptance of responsibility, which the court finds is appropriate) is either a 31 or 29, producing an advisory sentencing range of either 108-135 months or 87-108 months. The court finds that the advisory range of 108 months is appropriate in either case, having carefully considered all of the facts listed in the sentencing memoranda of the parties and the factors listed in 18 U.S.C. 3553(a). The court has carefully reviewed all of the defendant’s arguments for varying from the advisory range and finds none of them persuasive. A sentence of 108 months is

reasonable (and perhaps unduly lenient) on the facts of this case.

DATED this 21st day of August, 2006.

BY THE COURT:



Paul G. Cassell
United States District Judge

United States Probation Office
for the District of Utah

Report on Offender Under Supervision

FILED
U.S. DISTRICT COURT
2006 AUG -4 P 12: 53
Docket Number: 2:05-CR-00654
DISTRICT OF UTAH
DEPT OF CORRECTIONS

Name of Offender: **Chad Lovel Young**

Name of Sentencing Judicial Officer: **Honorable Clark Allred**

United States Magistrate Judge

RECEIVED

Date of Original Sentence: **December 7, 2005**

AUG 03 2006

Original Offense: **Possession of Marijuana**

**SAMUEL ALBA
U.S. MAGISTRATE**

Original Sentence: **12 months probation**

Type of Supervision: **Probation** Supervision Began: **December 7, 2005**


SUPERVISION SUMMARY

On March 12, 2006, Mr. Young was cited by a Utah State Wildlife Conservation Officer for Unlawful Taking of Wildlife and Possession of Protected Wildlife. The defendant and some friends were observed hunting cottontail rabbits out of season.

Mr. Young has been admonished for this violation of the conditions of probation including his possession of a firearm by a restricted person. The defendant was advised that the Court would be informed of the violation conduct and that the Court may order violation proceedings be initiated by the probation office.

If the Court desires more information or another course of action, please contact me at 435-781-1343.


I declare under penalty of perjury that the foregoing is true and correct.



Ron Cushing
U.S. Probation Officer
Date: August 2, 2006

THE COURT:

- ☒ Approves the request noted above
☐ Denies the request noted above
☐ Other


Honorable Samuel Alba
Chief United States Magistrate Judge

Date: 8/4/06

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

UNITED STATES OF AMERICA**Plaintiff,****Jaime Arturo Solarte****Defendant**

Docket No.: 2:05-CR-00785-001-TS

CONSENT TO MODIFY CONDITIONS OF RELEASE

I, Jaime Arturo Solarte, have discussed with Pretrial Services Officer Amie Williamson, modification of my release conditions as follows:

- Participate in mental health treatment as recommended by Pretrial Services

I consent to this modification of my release conditions and agree to abide by this modification.



Defendant

Pretrial Services Officer07-31-06

Date7/31/06

Date

I have reviewed the conditions with my client and concur that this modification is appropriate.



Defense Counsel8/7/06

Date

ORDER OF THE COURT

☒ The above modification of conditions of release is ordered, to be effective on 10 August, 2006.

☐ The above modification of conditions of release is not ordered.



Honorable David Nuffer**United States Magistrate Judge**8/10/06

Date

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 23 2006

BY MARKUS B. ZIMMER, CLERK
DEPUTY CLERK

PROSPER INC., et al

Plaintiffs,

vs.

INNOVATIVE SOFTWARE,

Defendant.

**ORDER REGARDING SETTLEMENT
CONFERENCE PROCEEDINGS**

Case No: 2:05CV 98 PGC

District Judge Paul G. Cassell

Magistrate Judge Brooke C. Wells

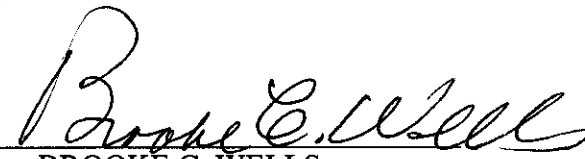
The above-entitled matter is referred to the magistrate judge to conduct a Settlement Conference pursuant to DUCivR 16-3(b) and 28 U.S.C. § 636(b)(1). After conferring with the district judge, the dates in the settlement referral order are modified as follows:

IT IS HEREBY ORDERED that the Settlement Conference shall be conducted on or before July 31, 2007.

IT IS FURTHER ORDERED that counsel shall, on or before June 26, 2007, jointly contact the magistrate judge to set the date and time of the Settlement Conference, certifying that discovery is complete and dispositive motions are resolved..

DATED this 23 day of August, 2006.

By



BROOKE C. WELLS

United States Magistrate Judge

**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, NORTHERN DIVISION**

PATRICIA A. GAY,

Plaintiff,

vs.

**SOUTHERN DIVERSIFIED
TECHNOLOGIES, INC., a.k.a. SDT, Inc.,
a Florida corporation; AT&T CORP., a
New Jersey corporation; LEON DENT,
and GARY CARTWRIGHT, individuals,**

Defendants.

**ORDER REQUESTING COUNSEL
DISREGARD ERRONEOUS FILING**


Civil No. 2:05cv00175

Judge: J. Thomas Greene

On August 22, 2006, the Court mistakenly filed an Interoffice Memorandum from an extern, Peter Jenkins, to the Judge, that addressed various Motions filed by the parties. The parties had not yet filed all Memoranda relating to those issues and therefore the Motions were not yet ripe for decision. Moreover, counsel contacted the Court on August 18, 2006, stating that a settlement had been reached in the case, thus the Court considers those issues to be moot. The Interoffice Memo was document 90 in the case. That document was not intended to be seen by Counsel and had not been reviewed, nor approved, by the Court. Document 90 in no way reflects how the Court may have ruled on the various Motions of the parties. The court clerk has removed the image from the docket and noted the error on the docket. However, counsel may

still have the document in email through the electronic system. Thus, out of an abundance of caution, the Court now ORDERS that the parties disregard and discard the memo which was originally entered as document 90 on the docket.

DATED this 23rd day of AUGUST, 2006.



J. THOMAS GREENE
U.S. District Court Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

BEVERLY AND ORVALL MYRICK,

Plaintiffs,

vs.

UNITED STATES OF AMERICA,

Defendant.

TRIAL ORDER

Case No. 2:05V246 DAK

This case is set for a three-day jury trial to begin on **Monday, October 30, 2006** at 8:30 a.m. In order to expedite the conduct of the trial in this case, counsel are instructed as follows:

A. Proposed Voir Dire and Verdict Form

1. Proposed Voir Dire

The parties must file any proposed voir dire no later than **October 25, 2006**.

2. Special Verdict Form

The parties must file a proposed special verdict form no later than **October 25, 2006**. In addition to filing a proposed special verdict form, the parties must also send the proposed special verdict form via email to ["utdecf_kimball@utd.uscourts.gov"](mailto:utdecf_kimball@utd.uscourts.gov) in WordPerfect or MS Word format.

B. Jury Instructions

A copy of the court's stock civil jury instructions are included with this Trial Order. The stock jury instructions should *not* be resubmitted to the court with the parties' proposed jury instructions. All applicable stock jury instructions will be used at trial, absent a compelling

reason why a particular instruction should be modified or should not be used. The parties shall not, absent a compelling reason, submit instructions that are duplicative of the stock jury instructions.

All additional jury instructions must be submitted according to the following procedure:

1. The parties are required to jointly submit one set of *stipulated* final instructions. To this end, the parties must serve their proposed instructions upon each other by **October 2, 2006**. The parties must then meet and confer to agree on a single set of jury instructions, to the extent possible.
2. If the parties cannot agree upon a complete set of final instructions, they may submit separately those instructions upon which they cannot agree. However, the parties are expected to agree upon the majority of the substantive instructions for the case.
3. The stipulated jury instructions and each party's supplemental jury instructions, which must include citations to authority, shall be filed by **October 9, 2006**. In addition, by the same date, the parties shall email (in WordPerfect or MS Word format) the proposed stipulated instructions and any supplemental proposed instructions to the chambers email address listed above.
4. By no later than **October 16, 2006** each party must file any objections to the supplemental instructions proposed by the other party. All such objections must recite the proposed disputed instruction in its entirety and specifically highlight the objectionable language in the proposed instruction. Each objection must contain citations to authority and a concise argument explaining why the

instruction is improper. If applicable, the objecting party should submit an alternative instruction addressing the subject or principle of law. By the same date, the party filing any objections shall also email (in WordPerfect or MS Word format) the objections to the chambers email address listed above.

5. By no later than **October 23, 2006**, the parties may file and serve a concise written argument supporting their proposed instructions to which the other party has objected.

C. Pretrial Order

A stipulated Pretrial Order must be filed by **September 25, 2006**. The form of the Pretrial Order should generally conform to the approved form that is reproduced as Appendix IV to the Local Rules of Practice.

D. Motions in Limine

All motions in limine shall be filed by **October 13, 2006**. Responses to the motions shall be filed by **October 20, 2006**. A hearing on the motions, if necessary, will be held during the week of **October 23, 2006**.

E. Exhibits

All exhibits must be premarked before trial. Plaintiffs' exhibits should be marked numerically, and Defendant's exhibits should be marked alphabetically.

F. Trial Schedule

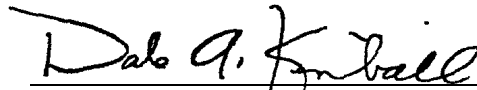
The court runs its trial schedule from 8:30 a.m. to approximately 2:00 p.m., with two fifteen minute breaks.

G. Pretrial Conference

In light of this Trial Order, a pretrial conference is unnecessary. Therefore, the pretrial conference currently set for October 16, 2006 is VACATED.

DATED this 23rd day of August, 2006.

BY THE COURT:



DALE A. KIMBALL
United States District Judge

JUDGE KIMBALL'S
STOCK JURY INSTRUCTIONS
CIVIL CASES

(Some instructions might not apply or might need to be tailored to the specific case)

JURY INSTRUCTION NO. ____

Now that you have heard the evidence and are about to hear the argument, it is my duty to give you the instructions of the Court concerning the law applicable to this case. It is your duty as jurors to follow the law as stated in the instructions of the Court, and to apply the rules of law to the facts as you find them from the evidence in the case. You are not to single out one instruction alone as stating the law, but must consider the instructions as a whole.

Neither are you to be concerned with the wisdom of any rule of law stated by the Court. Regardless of any opinion you may have as to what the law is or ought to be, it would be a violation of your sworn duty, as judges of the facts, to base a verdict upon anything but the law as I instruct you and the evidence in the case.

Nothing I say in these instructions is to be taken as an indication that I have any opinion about the facts of the case, or what that opinion is. It is not my function to determine the facts; it is your function as jurors.

Justice through trial by jury depends upon the willingness of each individual juror to seek the truth as to the facts from the same evidence presented to all the jurors, and to arrive at a verdict by applying the same rules of law, as given in these instructions. You are to perform this duty without bias or prejudice as to any party. Our system of law does not permit jurors to be governed by sympathy, prejudice, or public opinion. Both the parties and the public expect that you will carefully and impartially consider all the evidence in the case, follow the law as stated by the Court, and reach a just verdict, regardless of the circumstances.

JURY INSTRUCTION NO. ____

The evidence in this case consists of the sworn testimony of the witnesses, all exhibits received in evidence, all facts that may have been admitted or stipulated, and the applicable presumptions that will be stated in these instructions.

Statements and arguments of counsel are not evidence in this case. When, however, the attorneys on both sides stipulate or agree as to the existence of a fact, the jury must, unless otherwise instructed, accept the stipulation and regard that fact as conclusively proved.

During the course of trial, it often becomes the duty of counsel to make objections. You should not consider or be influenced by the fact that objections have been made. Any evidence to which an objection was made and sustained by the Court, and any evidence ordered stricken by the Court, must be entirely disregarded.

Anything you may have seen or heard outside of this courtroom is not evidence and must be entirely disregarded. You are to consider only the evidence in this case. However, in your consideration of the evidence, you are not limited to the bald statements of the witnesses. On the contrary, you are permitted to draw from the facts that you find have been proved, such reasonable inferences as seem justified in light of your experience. An inference is a deduction or conclusion that reason and common sense would lead you to draw from facts that are established by the evidence in the case.

JURY INSTRUCTION NO. ____

There are, generally speaking, two types of evidence from which a jury may properly find the truth as to the facts of a case. One is direct evidence, such as the testimony of an eye witness. The other is indirect or circumstantial evidence, which is proof of a chain of circumstances pointing to the existence or non-existence of certain facts. The law makes no distinction between the weight to be given to either direct or circumstantial evidence, but simply requires that the jury find the facts in accordance with the preponderance of all the evidence in the case, both direct and circumstantial.

JURY INSTRUCTION NO. ____

You are the exclusive judges of the credibility of the witnesses and the weight of the evidence. You may believe or disbelieve all or any part of any witness' testimony. In judging the weight of the testimony and the credibility of the witnesses you have a right to take into consideration their bias, their interest in the result of the suit, their relationship to any of the parties in the case, or any probable motive or lack thereof to testify fairly, if any is shown. You may consider the witnesses' deportment upon the witness stand, the reasonableness of their statements, their apparent frankness or candor, or the want of it, their opportunity to know, their ability to understand, their capacity to remember, and the extent to which their testimony has been either supported or contradicted by other credible evidence in the case. You should consider these matters together with all of the other facts and circumstances that you may believe have a bearing on the truthfulness or accuracy of the witnesses' statements.

JURY INSTRUCTION NO. ____

Inconsistencies or discrepancies in the testimony of a witness or between the testimonies of different witnesses may or may not be cause to discredit the testimony of a witness. Two persons may see or hear the same event differently or reach different conclusions from the same facts. In weighing the effect of an inconsistency, consider the importance of the matter to which it pertains and whether the inconsistency may have resulted from innocent error, lapse of memory, or intentional falsehood. If there are apparent discrepancies in the evidence, you may be able to reconcile them, or you may have to decide which of two or more conflicting versions of the facts you will accept.

JURY INSTRUCTION NO. ____

If you believe any witness has willfully testified falsely as to any material matter, you may disregard the entire testimony of such witness, except as it may have been corroborated by other credible evidence.

JURY INSTRUCTION NO. ____

The rules of evidence ordinarily do not permit the opinion of a witness to be received as evidence. An exception to this rule exists in the case of expert witnesses. A person who, by education, study, and experience, has become an expert in any art, science, or profession, and who is called as a witness, may give his or her opinion as to any such matter in which he or she is versed and which is material to the case.

You are not bound, however, by such an opinion. You should judge expert opinion testimony just as you judge any other testimony. Give it the weight to which you deem it entitled, whether that be great or slight, and you may reject it, if in your judgment the reasons given for it are unsound.

JURY INSTRUCTION NO. ____

If any reference by the Court or by counsel to matters of evidence does not coincide with your own recollection, it is your recollection that should control during your deliberations.

JURY INSTRUCTION NO. ____

In this trial, certain testimony has been read to you by way of deposition. A deposition is testimony taken under oath before trial and preserved in one form or another. It is entitled to the same consideration as if the witness had personally appeared.

JURY INSTRUCTION NO. ____

In this case, Plaintiff has the burden of proving his claims against Defendants by a preponderance of the evidence. By a preponderance of the evidence, as that term is used in these instructions, is meant that evidence, which to your minds, is of the greater weight. The evidence preponderates to the side which, to your minds, seems to be the most convincing and satisfactory.

The preponderance of the evidence is not alone determined by the number of witnesses, nor the amount of testimony or documentary evidence, but rather the convincing character of the testimony and other evidence, and the inferences reasonably to be drawn therefrom, weighed by the impartial minds of the jury. This rule does not require proof to an absolute certainty, nor does it require proof beyond a reasonable doubt which is the standard applied in criminal cases. A party has succeeded in carrying the burden of proof by a preponderance of the evidence on an issue of fact if, after consideration of all the evidence in the case, the evidence favoring his or her side of the issue is more convincing to you than not.

JURY INSTRUCTION NO. ____

Your verdict must be based solely upon the evidence developed at this trial, or the lack of evidence.

It would be improper for you to consider any personal feelings you may have about one of the parties' race, religion, national origin, sex or age.

It would be equally improper for you to allow any feelings you might have about the nature of the claims against the Defendants to influence you in any way.

The parties in this case are entitled to a trial free from prejudice. Our judicial system cannot work unless you reach your verdict through a fair and impartial consideration of the evidence.

[IF APPLICABLE:]

Defendant is a corporation. A corporation is entitled to the same treatment as a private individual. You must consider and decide this case as a case between persons of equal rights, equal worth, and equal standing. All persons, including corporations, stand equal before the law and are to be dealt with as equals in a court of justice.

JURY INSTRUCTION NO. ____

Plaintiff bears the burden of proving by a preponderance of the evidence that she not only suffered damages but the amount of damages as well.

JURY INSTRUCTION NO. ____

Damages must be reasonable. You are not permitted to award speculative damages, which means compensation for a detriment which, although possible, is remote, or conjectural.

The damages that you award must be fair and reasonable, neither inadequate nor excessive. You should not award compensatory damages for speculative injuries, but only for those injuries that the Plaintiff has actually suffered or which she is reasonably likely to suffer in the near future.

In awarding compensatory damages, if you decide to award them, you must be guided by dispassionate common sense. Computing damages may be difficult, but you must not let that difficulty lead you to engage in arbitrary guesswork. On the other hand, the law does not require a Plaintiff to prove the amount of her losses with mathematical precision, but only with as much definiteness and accuracy as the circumstances permit.

JURY INSTRUCTION NO. ____

In this case you may not include in any award to Plaintiff, any sum for the purpose of punishing Defendants, or to make an example of them for the public good or to prevent other incidents. **[Use if punitive damages are not sought]**

JURY INSTRUCTION NO. ____

Plaintiff has alleged that, as a result of Defendants' conduct, she has suffered pain, suffering and humiliation. Plaintiff has the burden of proving any compensatory damages by a preponderance of the evidence. If Plaintiff does not establish by a preponderance of the evidence that she has experienced pain, suffering and humiliation, that was proximately caused by Defendants' alleged wrongful conduct, then she cannot recover compensatory damages.

If you determine that Plaintiff has proven by a preponderance of the evidence that she has experienced pain, suffering and humiliation, that was proximately caused by Defendants' alleged wrongful conduct, you may award her damages for those injuries.

JURY INSTRUCTION NO. ____

The Plaintiff must make every reasonable effort to minimize or reduce her damages for loss of compensation by seeking employment. This is called mitigation of damages.

If you determine that Plaintiff is entitled to damages, you must reduce these damages by (1) what Plaintiff earned and (2) what Plaintiff could have earned by reasonable effort during the period from her discharge to the date of trial.

If you determine that Plaintiff did not make reasonable efforts to obtain another similar job, you must decide whether damages resulted from her failure to do so. You must not compensate Plaintiff for any portion of damages that resulted from her failure to make reasonable efforts to reduce her damages.

JURY INSTRUCTION NO. ____

The law forbids you to decide any issue in this case by resorting to chance. If you decide that a party is entitled to recover, you may then determine the amount of damages to be awarded. It would be unlawful for you to agree in advance to take the independent estimate of each juror, then total the estimates, draw an average from the total, and to make the average the amount of your award. Each of you may express your own independent judgment as to what the amount should be. It is your duty to thoughtfully consider the amounts suggested, test them in the light of the law and the evidence and, after due consideration, determine, which, if any, of such individual estimates is proper.

JURY INSTRUCTION NO. ____

The fact that I have instructed you concerning damages is not to be taken as an indication that I either believe or do not believe that Plaintiff is entitled to recover such damages. The instructions in reference to damages are given as a guide in case you find from a preponderance of the evidence that Plaintiff is entitled to recover. However, if you determine that there should be no recovery, then you will entirely disregard the instructions given you upon the matter of damages.

JURY INSTRUCTION NO. ____

It is your duty, as jurors, to consult with one another and to deliberate with a view of reaching an agreement, if you can do so without violence to individual judgment. You must each decide the case for yourself, but only after an impartial consideration of the evidence in the case with your fellow jurors. In the course of your deliberations, do not hesitate to re-examine your own views, and change your opinion, if convinced it is erroneous. But do not surrender your honest conviction as to the weight or effect of evidence, solely because of the opinion of your fellow jurors, or for the mere purpose of returning a verdict.

Remember at all times that you are not partisans. You are judges—judges of the facts. Your sole interest is to seek the truth from the evidence in the case.

JURY INSTRUCTION NO. ____

When you retire to deliberate, you should first select one of your number to serve as foreperson to preside over your deliberations and be your spokesperson here in Court.

JURY INSTRUCTION NO. ____

If it becomes necessary during your deliberations to communicate with the Court, you may send a note by a Court Security Officer, signed by your foreperson, or by one or more members of the jury. No member of the jury should attempt to communicate with the Court by any means other than a signed writing, and the Court will never communicate with any member of the jury on any subject touching the merits of the case, other than in writing or orally here in open Court.

You will note from the oath about to be taken by the Court Security Officer that he, as well as all other persons, is forbidden to communicate in any way or manner with any member of the jury on any subject touching the merits of the case.

Bear in mind also that you are never to reveal to any person—not even to the Court—how the jury stands numerically or otherwise, until you have reached a unanimous verdict.

This case is being submitted to you by a Special Verdict, which asks you to answer certain questions. When you have answered all the questions required to be answered, please have your foreperson sign the Special Verdict form and advise the Court Security Officer that such has been done. You will then be returned to the courtroom, where the Special Verdict will be read.

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

THEODORE L. FISHER

Plaintiff,

vs.

JO ANNE B. BARNHART, Commissioner of
Social Security,

Defendant.

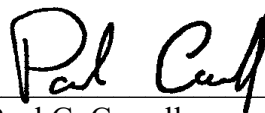
ORDER SEALING ADMINISTRATIVE
RECORD

Case No. 2:05cv00251

Based upon the stipulated motion, the court orders the administrative record in this case to be sealed and made accessible only to the parties and their attorneys. The court GRANTS the Amended Motion to Seal Record by Stipulation [#16].

DATED this 23rd day of August, 2006.

BY THE COURT:



Paul G. Cassell
United States District Judge

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

YVONNE STEENBERG-HATCHER

Plaintiff,

vs.

CITY MARKET, INC., a Colorado
corporation, GARY VOESTE, and KRIS
WINDSOR,

Defendants.

ORDER TO SHOW CAUSE

Case No. 2:05CV00287

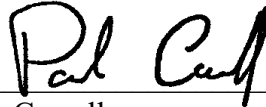
On August 2, 2006, the defendants, City Market, Inc., Gary Voeste, and Kris Windsor submitted a Motion for Summary Judgment. However, as per the Scheduling Order signed by Judge Nuffer on October 7, 2005, the parties in this case were ordered to submit all dispositive motions to the court on or before June 2, 2006. Therefore, the court orders the defendants to show cause as to why the court should not dismiss the defendants' motion as untimely. The defendants shall respond to this order by August 29, 2006. This order in no way alters the plaintiff's deadline for filing a response to the defendants' Motion for Summary Judgment.

The court expects the plaintiff's response to be filed on or before September 1, 2006.

SO ORDERED.

DATED this 23rd day of August, 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Paul Cassell", written over a horizontal line.

Paul G. Cassell
United States District Judge

Lon A. Jenkins (Utah Bar No. 4060)
Peggy Hunt (Utah Bar No. 6060)
RAY QUINNEY & NEBEKER P.C.
36 South State Street, Suite 1400
P.O. Box 45385
Salt Lake City, Utah 84145-0385
Telephone: (801) 532-1500
Facsimile: (801) 532-7543
ljenkins@rqn.com
phunt@rqn.com

Attorneys for Plaintiff Jeffrey C. Bermant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

JEFFREY C. BERMANT,

Plaintiff,

v.

DAVID K. BROADBENT, ESQ., as
RECEIVER for MERRILL SCOTT &
ASSOCIATES, LTD., MERRILL SCOTT &
ASSOCIATES, INC., PHOENIX OVERSEAS
ADVISERS, LTD., GIBRALTER
PERMANENTE ASSURANCE, LTD., and
each of the respective SUBSIDIARIES and
AFFILIATED ENTITIES,

Defendants.

[PROPOSED] ORDER APPROVING
STIPULATED MOTION TO MODIFY
SCHEDULING ORDER

Civil No. 2:05cv-00466TC

The Honorable Tena Campbell

Magistrate Judge Paul M. Warner

BEFORE THE COURT is the Stipulated Motion to Modify Scheduling Order submitted jointly by Plaintiff Jeffrey C. Bermant (“Bermant” or “Plaintff”), by and through his counsel, and Defendant David K. Broadbent, (“Receiver” or “Defendant”), by and through his counsel. It appearing that cause exists for entry of an order approving the Stipulated Motion,

IT IS HEREBY ORDERED that the Scheduling Order dated November 30, 2005, as modified, is amended as follows:

- a) The deadline for filing dispositive or potentially dispositive motions will be September 15, 2006.
- b) All other provisions of the Scheduling Order dated November 30, 2005 will remain in effect.

DATED this 23rd day of August, 2006.

BY THE COURT:

A handwritten signature in cursive script, appearing to read "Paul M. Warner".

Magistrate Judge Paul M. Warner
United States Magistrate Judge

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

AMERICAN MANUFACTURERS MUTUAL
INSURANCE COMPANY, an Illinois
corporation,

Plaintiff,

vs.

CHEYENNE CONCRETE COMPANY, a
corporation; ALPINE CRANE & RIGGING
CORPORATION, a corporation; EAGLE
PRECAST COMPANY, a Utah corporation; E
STRUCTURES, INC., a Utah corporation;
BUEHNER MARBLE & GRANITE, INC. aka
BUEHNER MARBLE CORPORATION, a
Utah corporation; WALDRON FAMILY
LIMITED PARTNERSHIP, a Utah limited
partnership; JACHEB, INC., a Utah
corporation; SCOTT M. WALDRON, an
individual; BARBARA J. WALDRON, an
individual,

Defendants.

Case No. 2:05CV00657 PGC

AMENDED SCHEDULING ORDER

The court received the Amended Attorneys' Planning Report dated August 21, 2006. The court approves the following schedule. The times and deadlines set forth herein may not be modified without the approval of the court and on a showing of good cause.

- | | | |
|-----------|--|-----------------|
| 1. | PRELIMINARY MATTERS | DATE |
| | Nature of claims and any affirmative defenses: | |
| a. | Was Rule 26(f)(1) Conference held? | Yes |
| b. | Has Attorney Planning Meeting Form been submitted? | Yes |
| c. | Was 26(a)(1) initial disclosure completed? | <u>03/15/06</u> |

- | | | |
|-----------|------------------------------|---------------|
| 2. | DISCOVERY LIMITATIONS | NUMBER |
|-----------|------------------------------|---------------|

a.	Maximum Number of Depositions by Plaintiff(s)	<u>10</u>
b.	Maximum Number of Depositions by Defendant(s)	<u>10</u>
c.	Maximum Number of Hours for Each Deposition (unless extended by agreement of parties)	<u>8</u>
d.	Maximum Interrogatories by any Party to any Party	<u>25</u>
e.	Maximum requests for admissions by any Party to any Party	<u>50</u>
f.	Maximum requests for production by any Party to any Party	
3.	AMENDMENT OF PLEADINGS/ADDING PARTIESⁱ	DATE
a.	Last Day to File Motion to Amend Pleadings	<u>11/16/06</u>
b.	Last Day to File Motion to Add Parties	<u>11/16/06</u>
4.	RULE 26(a)(2) REPORTS FROM EXPERTSⁱⁱ	DATE
a.	Plaintiff	<u>05/09/07</u>
b.	Defendant	<u>06/27/07</u>
c.	Counter reports	None
5.	OTHER DEADLINES	DATE
a.	Discovery to be completed by:	
	Fact discovery	<u>04/16/07</u>
	Expert discovery	<u>08/22/07</u>
b.	(optional) Final date for supplementation of disclosures and discovery under Rule 26 (e)	
c.	Deadline for filing dispositive or potentially dispositive motions (with supplementation filed no later than September 5, 2007)	<u>8/03/07</u>
6.	SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION	DATE
a.	Referral to Court-Annexed Mediation:	<u>No</u>
b.	Referral to Court-Annexed Arbitration	<u>No</u>
c.	Evaluate case for Settlement/ADR on	
d.	Settlement probability:	

*Specify # of days for Bench or Jury trial as appropriate.
Shaded areas will be completed by the court.*

7.	TRIAL AND PREPARATION FOR TRIAL	TIME	DATE
a.	Rule 26(a)(3) Pretrial Disclosures ⁱⁱⁱ		
	Plaintiff		<u>11/09/07</u>
	Defendant		<u>11/23/07</u>
b.	Objections to Rule 26(a)(3) Disclosures (if different than 14 days provided in Rule)		
c.	Special Attorney Conference ^{iv} on or before		<u>12/07/07</u>
d.	Settlement Conference ^v on or before		<u>11/16/07</u>
e.	Final Pretrial Conference	3:00 p.m.	<u>12/19/07</u>
f.	Trial	<u>Length</u>	
		<u># days</u>	
i.	Bench Trial		
		<u>4 days</u>	
ii.	Jury Trial	8:00 a.m.	<u>01/07/08</u>

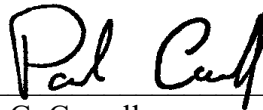
8. OTHER MATTERS

Counsel should contact chambers staff of Judge Cassell regarding Daubert and Markman motions to determine the desired process for filing and hearing of such motions. All such motions, including Motions in Limine shall be filed well in advance of the Final Pre Trial. Unless otherwise directed by the court, any challenge to the qualifications of an expert or the reliability of expert testimony under Daubert must be raised by written motion before the final pre-trial conference.

SO ORDERED.

Dated this 23rd date of August, 2006.

BY THE COURT:



Paul G. Cassell
United States District Judge

ⁱ Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).

ⁱⁱ A party shall disclose the identity of each testifying expert and the subject of each such expert's testimony at least 60 days before the deadline for expert reports from that party. This disclosure shall be made even if the testifying expert is an employee from whom a report is not required.

ⁱⁱⁱ Any demonstrative exhibits or animations must be disclosed and exchanged with the 26(a)(3) disclosures.

^{iv} The Special Attorneys Conference does not involve the Court. Counsel will agree on voir dire questions, jury instructions, a pre-trial order and discuss the presentation of the case. Witnesses will be scheduled to avoid gaps and disruptions. Exhibits will be marked in a way that does not result in duplication of documents. Any special equipment or courtroom arrangement requirements will be included in the pre-trial order.

^v The Settlement Conference does not involve the Court unless a separate order is entered. Counsel must ensure that a person or representative with full settlement authority or otherwise authorized to make decisions regarding settlement is available in person or by telephone during the Settlement Conference.

Stephen F. Rohde, Esq. (Pro Hac Vice)
ROHDE & VICTOROFF
1880 Century Park East, Suite 411
Los Angeles, CA 90067
Tel: (310) 277-1482
Fax: (310) 277-1485

Ira P. Rothken, Esq. (Pro Hac Vice)
ROTHKEN LAW FIRM
1050 Northgate Drive, Ste. 520
San Rafael CA 94903
Tel: (415) 924-4250
Fax: (415) 924-2905

Gregory A. Piccionelli, Esq. (Pro Hac Vice)
Robert A. Sarno, Esq. (Pro Hac Vice)
PICCIONELLI & SARNO
1925 Century Park East, Suite 2350
Los Angeles CA 90067
Tel: (310) 553-3375
Fax: (310) 553-5190

Jerome Mooney, Esq. (Utah Bar No. 2303)
Mooney Law Firm
50 W. Broadway, #100
Salt Lake City UT 84101
Tel: (801) 364-6500
Fax: (801) 364-3406

Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

FREE SPEECH COALITION, INC., A California
Not-For-Profit Trade Association,
On Its Own Behalf and On Behalf of Its Members,

Plaintiff,

vs.

MARK SHURTLEFF in his official capacity as Utah
Attorney General of the State of Utah; KEVIN V.
OLSEN, in his official capacity as the Director of the
Division of Consumer Protection in the Utah
Department of Commerce, UNSPAM REGISTRY

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 22 2006

MARKUS B. ZIMMER, CLERK
BY DEPUTY CLERK

Case No. 2:05-cv-00949

~~[PROPOSED]~~ ORDER

Judge Dale A. Kimball

SERVICES, INC., a Delaware corporation	
Defendants.	

Plaintiff's amended motion for filing a lengthy memoranda is granted. Plaintiff may file a memorandum in support of its motion for Preliminary Injunction of forty-four (44) pages in length.

Dated this 22^d day of August, 2006.

BY THE COURT


DALE A. KIMBALL

District Court Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

FRED VELARDE JR.,)	
)	
Plaintiff,	)	Case No. 2:05-CV-952 DS
)	
v.	)	District Judge David Sam
)	
JOHN DOE et al.,	)	O R D E R
)	
Defendants.	)	Magistrate Judge Brooke Wells

Incarcerated plaintiff, Fred Velarde Jr., has filed a *pro se* civil rights complaint. See 42 U.S.C.S. § 1983 (2006).

Plaintiff's application to proceed *in forma pauperis* has been granted. Plaintiff now moves (twice) for service of process.

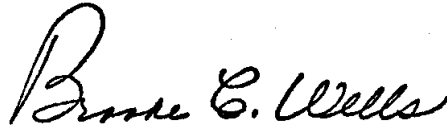
These motions are unnecessary because Plaintiff is proceeding *in forma pauperis*. See 28 *id.* § 1915. In such cases, "[t]he officers of the court shall issue and serve all process, and perform all duties in such cases." See *id.* § 1915(d). The Court will screen Plaintiff's amended complaint at its earliest convenience and determine whether to dismiss it or order it to be served upon Defendants. See *id.* § 1915A. Plaintiff need do nothing to trigger this process.

IT IS HEREBY ORDERED that Plaintiff's motions for service of process are denied, see File Entry #s 7 & 25; however, if, after

the case is screened, it appears that this case has merit and states a claim upon which relief may be granted, the Court will order service of process.

DATED this 22nd day of August, 2006.

BY THE COURT:

A handwritten signature in black ink, reading "Brooke C. Wells". The signature is written in a cursive style with a large, looped initial 'B'.

BROOKE C. WELLS
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

KARL DEE KAY,)	
)	
Plaintiff,	)	Case No. 2:05-CV-995 DS
)	
v.	)	District Judge David Sam
)	
NANCY BEMIS et al.,	)	ORDER
)	
Defendants.	)	Magistrate Judge David Nuffer

Plaintiff, inmate Karl Kay Dee, has filed a *pro se* civil rights complaint.¹ Plaintiff's application to proceed *in forma pauperis* has been granted. Plaintiff now moves for appointed counsel and service of process. He also moves "to Compell [sic] Discovery for Requests of Documents."

The Court first considers the motion for appointed counsel. Plaintiff has no constitutional right to counsel.² However, the Court may in its discretion appoint counsel for indigent inmates.³ "The burden is upon the applicant to convince the court that there is sufficient merit to his claim to warrant the appointment of counsel."⁴

When deciding whether to appoint counsel, the district court should consider a variety of factors, "including 'the merits of

¹See [42 U.S.C.S. § 1983 \(2006\)](#).

²See [Carper v. Deland, 54 F.3d 613, 616 \(10th Cir. 1995\)](#); [Bee v. Utah State Prison, 823 F.2d 397, 399 \(10th Cir. 1987\)](#).

³See [28 U.S.C.S. § 1915\(e\) \(1\) \(2006\)](#); [Carper, 54 F.3d at 617](#); [Williams v. Meese, 926 F.2d 994, 996 \(10th Cir. 1991\)](#).

⁴[McCarthy v. Weinberg, 753 F.2d 836, 838 \(10th Cir. 1985\)](#).

the litigant's claims, the nature of the factual issues raised in the claims, the litigant's ability to present his claims, and the complexity of the legal issues raised by the claims.'"⁵

Considering the above factors, the Court concludes here that (1) it is not clear at this point that Plaintiff has asserted a colorable claim; (2) the issues in this case are not complex; and (3) Plaintiff is not incapacitated or unable to adequately function in pursuing this matter. Thus, the Court denies for now Plaintiff's motion for appointed counsel.

The Court next denies Plaintiff's motion for service of process. This motion is unnecessary because Plaintiff is proceeding *in forma pauperis*.⁶ In such cases, "[t]he officers of the court shall issue and serve all process, and perform all duties in such cases."⁷ The Court will screen Plaintiff's amended complaint at its earliest convenience and determine whether to dismiss it or order it to be served upon Defendants.⁸ Plaintiff need do nothing to trigger this process.

Finally, because Plaintiff's complaint has not yet been screened or served upon Defendants, Plaintiff's motion for discovery is premature. The Court therefore denies it.

⁵[*Rucks v. Boergermann*, 57 F.3d 978, 979 \(10th Cir. 1995\)](#) (quoting *Williams*, 926 F.2d at 996); accord [*McCarthy*, 753 F.2d at 838-39](#).

⁶See [28 U.S.C. § 1915 \(2006\)](#).

⁷See *id.* § 1915(d).

⁸See *id.* § 1915A.

IT IS HEREBY ORDERED that:

(1) Plaintiff's request for appointed counsel is denied (see File Entry # 5); however, if, after the case is screened, it appears that counsel may be needed or of specific help, the Court will ask an attorney to appear pro bono on Plaintiff's behalf.

(2) Plaintiff's motion for service of process is denied (see File Entry # 4); however, if, after the case is screened, it appears that this case has merit and states a claim upon which relief may be granted, the Court will order service of process.

(3) Plaintiff's motion for discovery is denied as premature. (See File Entry # 18.) Should the complaint survive screening, this request may be renewed.

DATED this 22nd day of August, 2006.

BY THE COURT:



DAVID NUFFER
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

KENNY RAY EVON,)	
)	
Plaintiff,	)	Case No. 2:05-CV-1072 DAK
)	
v.	)	District Judge Dale Kimball
)	
MICHEL MILLARD et al.,	)	ORDER
)	
Defendants.	)	Magistrate Judge David Nuffer

Plaintiff, Kenny Ray Evon, has filed a *pro se* prisoner civil rights complaint.¹ Plaintiff's application to proceed *in forma pauperis* has been granted. Plaintiff now moves for appointed counsel and service of process.

The Court first considers the motion for appointed counsel. Plaintiff has no constitutional right to counsel.² However, the Court may in its discretion appoint counsel for indigent inmates.³ "The burden is upon the applicant to convince the court that there is sufficient merit to his claim to warrant the appointment of counsel."⁴

When deciding whether to appoint counsel, the district court should consider a variety of factors, "including 'the merits of the litigant's claims, the nature of the factual issues raised in

¹See [42 U.S.C.S. § 1983 \(2006\)](#).

²See [Carper v. Deland, 54 F.3d 613, 616 \(10th Cir. 1995\)](#); [Bee v. Utah State Prison, 823 F.2d 397, 399 \(10th Cir. 1987\)](#).

³See [28 U.S.C.S. § 1915\(e\) \(1\) \(2006\)](#); [Carper, 54 F.3d at 617](#); [Williams v. Meese, 926 F.2d 994, 996 \(10th Cir. 1991\)](#).

⁴[McCarthy v. Weinberg, 753 F.2d 836, 838 \(10th Cir. 1985\)](#).

the claims, the litigant's ability to present his claims, and the complexity of the legal issues raised by the claims.'"⁵

Considering the above factors, the Court concludes here that (1) it is not clear at this point that Plaintiff has asserted a colorable claim; (2) the issues in this case are not complex; and (3) Plaintiff is not incapacitated or unable to adequately function in pursuing this matter. Thus, the Court denies for now Plaintiff's motion for appointed counsel.

The Court next denies Plaintiff's motion for service of process. This motion is unnecessary because Plaintiff is proceeding *in forma pauperis*.⁶ In such cases, "[t]he officers of the court shall issue and serve all process, and perform all duties in such cases."⁷ The Court will screen Plaintiff's amended complaint at its earliest convenience and determine whether to dismiss it or order it to be served upon Defendants.⁸ Plaintiff need do nothing to trigger this process.

IT IS HEREBY ORDERED that:

(1) Plaintiff's request for appointed counsel is denied, (see File Entry # 5); however, if, after the case is screened,

⁵[*Rucks v. Boergermann*, 57 F.3d 978, 979 \(10th Cir. 1995\)](#) (quoting *Williams*, 926 F.2d at 996); accord [*McCarthy*, 753 F.2d at 838-39](#).

⁶See [28 U.S.C. § 1915 \(2006\)](#).

⁷See *id.* § 1915(d).

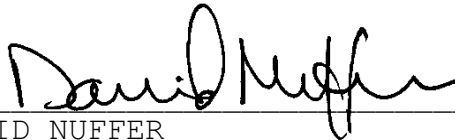
⁸See *id.* § 1915A.

it appears that counsel may be needed or of specific help, the Court will ask an attorney to appear pro bono on Plaintiff's behalf.

(2) Plaintiff's motion for service of process is denied, (see File Entry # 4); however, if, after the case is screened, it appears that this case has merit and states a claim upon which relief may be granted, the Court will order service of process.

DATED this 22nd day of August, 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to read "David Nuffer", is written over a horizontal line.

DAVID NUFFER
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

In Re: CONTEMPT ORDER

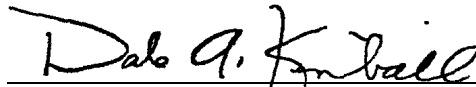
ORDER

Case No. 2:05MC410DAK

The Tenth Circuit Court of Appeals reversed and remanded this case with instructions to vacate the summary contempt order. Therefore, the summary contempt order is VACATED. There is no indication in the docket that the fifty dollar sanction was ever paid to the court. Accordingly, no refund is necessary. This case is closed.

DATED this 23rd day of August, 2006.

BY THE COURT:



DALE A. KIMBALL
United States District Judge

United States District Court
for the District of Utah

Petition and Order for Summons for Offender Under Supervision

Name of Offender: **Nicholas Simkins**

Docket Number: **2:06-CR-00117-001**

Name of Sentencing Judicial Officer: **Honorable Robert T. Braithwaite**
United States Magistrate Judge

FILED

AUG 21 2006

Date of Original Sentence: **April 6, 2006**

ROBERT T. BRAITHWAITE
U.S. MAGISTRATE

Original Offense: **Possession of a Controlled Substance - Marijuana**

Original Sentence: **12 months probation**

Type of Supervision: **Probation**

Supervision Began: **April 6, 2006**

PETITIONING THE COURT

☒ To issue a summons 270 South 200 East
St. George, UT 84770

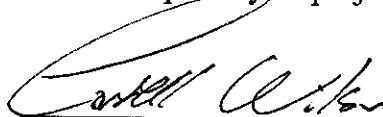
CAUSE

The probation officer believes that the offender has violated the conditions of supervision as follows:

Allegation No. 1: The defendant failed to submit to drug testing as directed.

Allegation No. 2: The defendant failed to submit monthly supervision reports as directed.

I declare under penalty of perjury that the foregoing is true and correct



Cordell Wilson, U.S. Probation Officer

Date: August 8, 2006

THE COURT ORDERS:

- ☒ The issuance of a summons
☐ The issuance of a warrant
☐ No action
☐ Other



Honorable Robert T. Braithwaite
United States Magistrate Judge

Date: 8-21-06

FILED IN UNITED STATES DISTRICT COURT, DISTRICT OF UTAH
UNITED STATES DISTRICT COURT

CENTRAL

District of

UTAH

UNITED STATES OF AMERICA

AUG 23 2006

AMENDED JUDGMENT IN A CRIMINAL CASE

V.

MARKUS B. ZIMMER, CLERK

JOSE ALBERTO PEREZ-TREJO

DEPUTY CLERK

Case Number: DUTX206CR000346-001

USM Number: 13646-081

Viviana Ramirez

Defendant's Attorney

Date of Original Judgment: 8/7/2006

(Or Date of Last Amended Judgment)

Reason for Amendment:

- ☐ Correction of Sentence on Remand (18 U.S.C. 3742(f)(1) and (2))
☐ Reduction of Sentence for Changed Circumstances (Fed. R. Crim. P. 35(b))
☐ Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(a))
☒ Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)

- ☐ Modification of Supervision Conditions (18 U.S.C. §§ 3563(c) or 3583(e))
☐ Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. § 3582(c)(1))
☐ Modification of Imposed Term of Imprisonment for Retroactive Amendment(s) to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2))
☐ Direct Motion to District Court Pursuant ☐ 28 U.S.C. § 2255 or ☐ 18 U.S.C. § 3559(c)(7)
☐ Modification of Restitution Order (18 U.S.C. § 3664)

THE DEFENDANT:

☒ pleaded guilty to count(s) One of the Indictment

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
8 USC § 1326	Reentry of Previously Removed Alien		1

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

8/11/2006

Date of Imposition of Judgment


Signature of Judge

Paul G. Cassell

Federal District Judge

Name of Judge

Title of Judge

8/22/06
Date

DEFENDANT: JOSE ALBERTO PEREZ-TREJO
CASE NUMBER: DUTX206CR000346-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of

Four months. Upon completion of this term of imprisonment, the defendant shall be remanded to the Bureau of Immigration and Custom Enforcement for deportation proceedings.

☒ The court makes the following recommendations to the Bureau of Prisons:

that defendant serve in a facility near Utah and that the defendant receive educational training, if possible.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____ with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: JOSE ALBERTO PEREZ-TREJO

CASE NUMBER: DUTX206CR000346-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of
Twelve (12) months.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record, personal history, or characteristics and shall permit the probation officer to make such notifications and confirm the defendant's compliance with such notification requirement.

DEFENDANT: JOSE ALBERTO PEREZ-TREJO
CASE NUMBER: DUTX206CR000346-001

Judgment—Page 4 of 10

ADDITIONAL SUPERVISED RELEASE TERMS

1. The defendant shall not illegally reenter the United States. If the defendant returns to the United States during the period of supervision, he is instructed to contact the United States Probation Office in the District of Utah within 72 hours of arrival in the United States.

DEFENDANT: JOSE ALBERTO PEREZ-TREJO

CASE NUMBER: DUTX206CR000346-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the following total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Name of Payee	Total Loss*	Restitution Ordered	Priority or Percentage

TOTALS	\$ _____	\$ _____
--------	----------	----------

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

☐ the interest requirement is waived for ☐ fine ☐ restitution.

☐ the interest requirement for ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: JOSE ALBERTO PEREZ-TREJO
CASE NUMBER: DUTX206CR000346-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
☒ in accordance with ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
Special Assessment Fee is due immediately.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH CENTRAL DIVISION

Statement of Reasons (Sealed-Not for Public Disclosure)

Case Name: USA V. JOSE ALBERTO PEREZ-TREJO

Case Number: 2:06-CR-00346

Defendant: Jose Alberto Perez-Trejo

The attached Statement of Reasons is a sealed addendum to the Judgment and Commitment Order issued on 8/11/2006.

Pages 7 - 10

are the

Statement of Reasons,
which will be docketed
separately as a sealed
document

UNITED STATES DISTRICT COURT

CENTRAL DIVISION DISTRICT OF UTAH

UNITED STATES OF AMERICA

V.

DONALD R. ROBINSON

ORDER OF PROBATION
UNDER 18 U.S.C. § 3607

CASE NUMBER: 2:06-CR-392

The defendant having been found guilty of an offense described in 21 U.S.C. 844, and it appearing that the defendant (1) has not, prior to the commission of such offense, been convicted of violating a federal or state law relating to controlled substances, and (2) has not previously been the subject of a disposition under this subsection,

IT IS ORDERED that the defendant is placed on probation as provided in 18 U.S.C. § 3607 for a period of twelve (12) months without a judgment of conviction first being entered. The defendant shall comply with the conditions of probation set forth on the next page of this Order, and the following special conditions:

The defendant:

- 1) Shall pay a fine in the amount of \$1,000 and a \$25 special assessment fee;
- 2) Shall participate in a drug education and/or treatment program if ordered to do so by the supervising probation officer.
- 3) Shall undergo drug testing, including but not limited to urinalysis, if ordered to do so by the supervising probation officer.

Signature of Judge

Name and Title of Judge

CONSENT OF THE DEFENDANT

I have read the proposed Order of Probation Under 18 U.S.C. § 3607 and the Conditions of Probation. I understand that if I violate any conditions of probation, the court may enter a judgment of conviction and proceed as provided by law. I consent to the entry of the Order.

I also understand that, if I have not violated any condition of my probation, the Court, without entering a judgment of conviction, (1) may dismiss the proceedings and discharge me from probation before the expiration of the term of probation, or (2) shall dismiss the proceedings and discharge me from probation at the expiration of the term of probation.

My date of birth is 08/17/55, and I am ☐ am not ☒ entitled to an expungement order as provided in 18 U.S.C. § 3607(c), if the proceedings are dismissed.

Signature of Defendant

Address of Defendant

Signature of Defense Counsel

Printed Name of Defense Counsel

Date

CONDITIONS OF PROBATION

While the defendant is on probation, the defendant:

- 1) shall not commit another federal, state or local crime.
- 2) shall not leave the judicial district without the permission of the court or probation officer;
- 3) shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 4) shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 5) shall support his or her dependents and meet other family responsibilities;
- 6) shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 7) shall notify the probation officer at least ten days prior to any change in residence or employment;
- 8) shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 9) shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 10) shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 11) shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 12) shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 13) shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 14) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement; and
- 15) shall not possess a firearm or destructive device.

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID GLENN PRATT,

Defendant.

Case No. 2:06-CR-³⁹⁴~~393~~


: ORDER GRANTING
: GOVERNMENT'S MOTION FOR
: CONTINUANCE AND TO EXCLUDE
: TIME FROM SPEEDY TRIAL
: CALCULATION

: Magistrate Judge Samuel Alba

Upon the Motion of the United States of America, and for good cause appearing, it is hereby ORDERED that the trial now set in the above captioned matter is continued from the 11th day of July, 2006 to the 19th day of September, 2006 at 10:00 a.m./p.m. The Court finds pursuant to 18 U.S.C. § 3161 that the ends of justice served by the granting of this continuance outweigh the best interest of the public and the Defendant in a speedy trial. The Court further finds that failure to grant the continuance would deny the parties the opportunity to reach a negotiated resolution. Therefore, it is further ORDERED that the time elapsing between the former and new trial dates be excluded from speedy trial calculations.

DATED this 18th day of July, 2006.

BY THE COURT:


United States Magistrate Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the United States Attorney's Office, and that a copy of the foregoing Motion and Proposed Order to Continue Trial and to Exclude Time From Speedy Trial Calculation was mailed to all parties named below, this 10th day of July, 2006.



Anthony J. Famulary, Esq.
Attorney for the Defendant
532 East 800 North
Orem, Utah 84097

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

vs.

ALBERTO LINARES PEREZ
Defendant.

ORDER REQUESTING THE US
ATTORNEY'S OFFICE TO
PRODUCE PUBLICALLY
AVAILABLE INFORMATION ON
CHARGING 18 U.S.C. § 1028A
OFFENSES

Case No. 2:06-CR-00423 PGC

On August 22, 2006, the court heard arguments from counsel regarding the charging and sentencing of defendant Alberto Linares Perez for violation of 18 U.S.C. § 1028A. The court took the matter under advisement to consider other facts that might be relevant to the case.

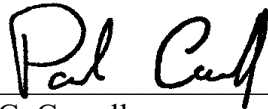
As part of that process, the court now requests from the U.S. Attorney's Office any publicly available information regarding its charging practices and plea negotiation practices for alleged violations of 18 U.S.C. § 1028A. The court understands that some information is not publicly available. At the same time, however, the court is under the impression that some information is publicly available, and it would like to review it in connection with this case. The court requests the U.S. Attorney's Office to provide that information to the court by August 30,

2006.

SO ORDERED.

DATED this 22nd day of August, 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Paul Cassell", written over a horizontal line.

Paul G. Cassell
United States District Judge

FILED

United States District Court **AUG 14 2006**
District of Utah

ROBERT T. BRAITHWAITE
U.S. MAGISTRATE

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

vs.

Laura Werner (aka Laura Stephenson)

Case Number: **2:06-cr-00430-001**

Plaintiff Attorney: **Paul Graf**

Defendant Attorney: **Pro Se**

Date of Imposition: August 3, 2006

DEFENDANT:

☒

pleaded guilty to count(s)

The defendant was found guilty at trial.

Title & Section

43 CFR 8365.1-6

Nature of Offense

Minor in possession of alcohol

**Count
Number(s)**

I

☐ Count(s) _____ (is)(are) dismissed on the motion of the United States.

The Defendant is placed on bench probation for a period of 3 months. The Defendant shall pay fine and fees in full on or before the expiration of the probation period.

CRIMINAL MONETARY PENALTIES

TOTAL FINE: Count I: \$ 235.00

ASSESSMENT: Count I: \$ 25.00

Due by November 3, 2006

Date

8-14-06

Robert T. Braithwaite
Robert T. Braithwaite, United States Magistrate Judge
Name and Title of Judicial Officer

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

RECEIVED CLERK

AUG 04 2006

JUL 31 2006

BY MARKUS B. ZIMMER, CLERK

U.S. DISTRICT COURT

DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERVIN L. HOWARD,

Defendant.

ORDER GRANTING LEAVE TO DISMISS
MISDEMEANOR INFORMATION

Case No. 2:06-CR-435

Operating and Transporting an
Off-Highway Vehicle in
Violation of State Law (43
C.F.R. 8341.1(d))

Magistrate Judge Brooke C.
Wells

Based upon the Motion of the United States of America, and for good cause appearing, the Court hereby grants the government leave to dismiss the above-captioned Misdemeanor Information, without prejudice, under Rule 48(a) of the Federal Rules of Criminal Procedure.

DATED this 2 day of Aug, 2006.

BY THE COURT:

Brooke C. Wells

United States Magistrate

STEVEN B. KILLPACK, Federal Defender (#1808)
WENDY M. LEWIS, Assistant Federal Defender (#5993)
Utah Federal Defender Office
46 West 300 South, Suite 110
Salt Lake City, Utah 84101
Telephone: (801) 524-4010

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**


UNITED STATES OF AMERICA,	:	
	:	ORDER TO CONTINUE
Plaintiff,	:	JURY TRIAL
-vs-	:	
	:	Case No. 2:06CR-445 DAK
JAMES SPANN,	:	
Defendant.	:	

Based on the motion to continue trial filed by defendant in the above-entitled case, and good cause appearing,

It is hereby ORDERED that the trial previously scheduled for August 29, 2006, is hereby continued to this 31st day of October, 2006, at 8:30 a .m. Pursuant to 18 U.S.C. § 3161(h), the Court finds the ends of justice served by such a continuance outweigh the best interests of the public and the defendant to a speedy trial. The time of the delay shall constitute excludable time under the Speedy Trial Act.

DATED August 23, 2006.

BY THE COURT:



HONORABLE DALE A. KIMBALL
United States District Court Judge

FILED

AUG 14 2006

United States District Court
District of Utah

ROBERT T. BRAITHWAITE
U.S. MAGISTRATE

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

vs.

Jerry E. Brunetti

Case Number: 2:06-cr-00449-001

Plaintiff Attorney: Paul Graf

Defendant Attorney: Pro Se

Date of Imposition: August 3, 2006

DEFENDANT:

☒

pleaded guilty to count(s)

The defendant was found guilty at trial.

Title & Section

Nature of Offense

Count
Number(s)

43 CFR 8365.1-4(a)(2)

Create a hazard - dog off leash

I

43 CFR 8365.1-1 9b)(2)

Littering

II

☐ Count(s) _____ (is)(are) dismissed on the motion of the United States.

The Defendant is placed on bench probation for a period of 4 months. The Defendant shall pay fine and fees in full on or before the expiration of the probation period. A review to be held in four months.

CRIMINAL MONETARY PENALTIES

TOTAL FINE: Count I: \$ 50.00
Count II: \$ 150.00

ASSESSMENT: Count I: \$ 25.00
Count II: \$ 25.00

Due by December 4, 2006

Date

Robert T. Braithwaite, United States Magistrate Judge
Name and Title of Judicial Officer

UNITED STATES DISTRICT COURT

AUG 03 2006

CENTRAL DIVISION DISTRICT OF UTAH

MARKUS B. ZIMMER, CLERK

DEPUTY CLERK

UNITED STATES OF AMERICA

V.

NICHOLAS J. CHAMBERS

ORDER OF PROBATION
UNDER 18 U.S.C. § 3607

CASE NUMBER: 2:06-CR-462

The defendant having been found guilty of an offense described in 21 U.S.C. 844, and it appearing that the defendant (1) has not, prior to the commission of such offense, been convicted of violating a federal or state law relating to controlled substances, and (2) has not previously been the subject of a disposition under this subsection,

IT IS ORDERED that the defendant is placed on probation as provided in 18 U.S.C. § 3607 for a period of twelve (12) months without a judgment of conviction first being entered. The defendant shall comply with the conditions of probation set forth on the next page of this Order, and the following special conditions:

The defendant:

- 1) Shall pay a fine in the amount of \$1,000 and a \$25 special assessment fee;
- 2) Shall participate in a drug education and/or treatment program if ordered to do so by the supervising probation officer.
- 3) Shall undergo drug testing, including but not limited to urinalysis, if ordered to do so by the supervising probation officer.

Signature of Judge_____
Name and Title of Judge-----
CONSENT OF THE DEFENDANT

I have read the proposed Order of Probation Under 18 U.S.C. § 3607 and the Conditions of Probation. I understand that if I violate any conditions of probation, the court may enter a judgment of conviction and proceed as provided by law. I consent to the entry of the Order.

I also understand that, if I have not violated any condition of my probation, the Court, without entering a judgment of conviction, (1) may dismiss the proceedings and discharge me from probation before the expiration of the term of probation, or (2) shall dismiss the proceedings and discharge me from probation at the expiration of the term of probation.

My date of birth is 11/25/80, and I am ☒ am not ☐ entitled to an expungement order as provided in 18 U.S.C. § 3607(c), if the proceedings are dismissed.

Signature of Defendant975 N POINSETT A
Address of Defendant_____
Signature of Defense CounselAndrey K. James
Printed Name of Defense Counsel8/3/06
Date

CONDITIONS OF PROBATION

While the defendant is on probation, the defendant:

- 1) shall not commit another federal, state or local crime.
- 2) shall not leave the judicial district without the permission of the court or probation officer;
- 3) shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 4) shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 5) shall support his or her dependents and meet other family responsibilities;
- 6) shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 7) shall notify the probation officer at least ten days prior to any change in residence or employment;
- 8) shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 9) shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 10) shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 11) shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 12) shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 13) shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 14) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement; and
- 15) shall not possess a firearm or destructive device.

UNITED STATES DISTRICT COURT

CENTRAL DIVISION DISTRICT OF UTAH

FILED IN UNITED STATES DISTRICT COURT, DISTRICT OF UTAH

JUL 13 2006

MARKUS B. ZIMMER, CLERK
DEPUTY CLERK

UNITED STATES OF AMERICA
V.

ORDER OF PROBATION UNDER 18 U.S.C. § 3607

JOHN M. BERNARD

CASE NUMBER: 2:06-CR-461

The defendant having been found guilty of an offense described in 21 U.S.C. 844, and it appearing that the defendant (1) has not, prior to the commission of such offense, been convicted of violating a federal or state law relating to controlled substances, and (2) has not previously been the subject of a disposition under this subsection,

IT IS ORDERED that the defendant is placed on probation as provided in 18 U.S.C. § 3607 for a period of twelve (12) months without a judgment of conviction first being entered. The defendant shall comply with the conditions of probation set forth on the next page of this Order, and the following special conditions:

The defendant:

- 1) Shall pay a fine in the amount of \$1,000 and a \$25 special assessment fee;
- 2) Shall participate in a drug education and/or treatment program if ordered to do so by the supervising probation officer.
- 3) Shall undergo drug testing, including but not limited to urinalysis, if ordered to do so by the supervising probation officer.

Paul M Warner

Signature of Judge

Paul M Warner
US Magistrate Judge

Name and Title of Judge

CONSENT OF THE DEFENDANT

I have read the proposed Order of Probation Under 18 U.S.C. § 3607 and the Conditions of Probation. I understand that if I violate any conditions of probation, the court may enter a judgment of conviction and proceed as provided by law. I consent to the entry of the Order.

I also understand that, if I have not violated any condition of my probation, the Court, without entering a judgment of conviction, (1) may dismiss the proceedings and discharge me from probation before the expiration of the term of probation, or (2) shall dismiss the proceedings and discharge me from probation at the expiration of the term of probation.

My date of birth is 01/03/67, and I am ☐ am not ☒ entitled to an expungement order as provided in 18 U.S.C. § 3607(c), if the proceedings are dismissed.

[Signature]
Signature of Defendant

Address of Defendant

Andrew K James
Signature of Defense Counsel

Andrew K. James
Printed Name of Defense Counsel

13 July 2006
Date

CONDITIONS OF PROBATION

While the defendant is on probation, the defendant:

- 1) shall not commit another federal, state or local crime.
- 2) shall not leave the judicial district without the permission of the court or probation officer;
- 3) shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 4) shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 5) shall support his or her dependents and meet other family responsibilities;
- 6) shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 7) shall notify the probation officer at least ten days prior to any change in residence or employment;
- 8) shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 9) shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 10) shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 11) shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 12) shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 13) shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 14) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement; and
- 15) shall not possess a firearm or destructive device.

RECEIVED CLERK

AUG 04 2006

JUL 31 2006

IN THE UNITED STATES DISTRICT COURT
BY ~~MARKUS S. ZIMMER, CLERK~~
~~DEPUTY CLERK~~
DISTRICT OF UTAH, CENTRAL DIVISION

U.S. DISTRICT COURT

UNITED STATES OF AMERICA,
Plaintiff,
v.
AARON J. COLUNGA,
Defendant.

ORDER GRANTING LEAVE TO DISMISS
: MISDEMEANOR INFORMATION
: Case No. 2:06-CR-482
: Operating Off-Highway Vehicle in
: Violation of State Law (43
: C.F.R. 8341.1(d))
Magistrate Judge Brooke C. Wells

Based upon the Motion of the United States of America, and for good cause appearing, the Court hereby grants the government leave to dismiss the above-captioned Misdemeanor Information, without prejudice, under Rule 48(a) of the Federal Rules of Criminal Procedure.

DATED this 2 day of Aug 2006.

BY THE COURT:

Brooke C. Wells
United States Magistrate

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

VO, et al.,

Defendants.

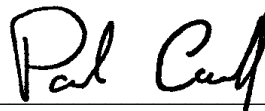
ORDER OF REFERENCE

Civil No. 2:06-CR-00550

IT IS ORDERED that, as authorized by 28 U.S.C. § 636(b)(1)(A) and the rules of this Court, the above entitled case is referred to Magistrate Judge Samuel Alba. The magistrate judge is directed to hear and determine any nondispositive pretrial matters pending before the Court.

DATED this 23rd day of August, 2006.

BY THE COURT:



Paul G. Cassell
United States District Judge

United States District Court

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

CENTRAL DISTRICT OF UTAH

AUG 23 2006

UNITED STATES OF AMERICA

V.

MARKUS B. ZIMMER, CLERK
ORDER SETTING
DEPUTY CLERK
CONDITIONS OF RELEASE

MICHELLE DENISE WILCOX

Case Number: 2:06-CR-571 DAK

IT IS SO ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local or tribal law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed

as directed. The defendant shall next appear at (if blank, to be notified)

United States District Court

PLACE

350 South Main

on

As Directed

DATE AND TIME

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (✓) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- () (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of

dollars (\$)

in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- ☐ (6) The defendant is placed in the custody of:
(Name of person or organization)
(Address)
(City and state) (Tel.No.)

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____
Custodian or Proxy

- ☒ (7) The defendant shall:
- ☐ (a) maintain or actively seek employment.
 - ☐ (b) maintain or commence an educational program.
 - ☒ (c) abide by the following restrictions on his personal associations, place of abode, or travel:
Reside at the Halfway House under 24 hour supervision. Court will allow the defendant to be released for work purposes only. Work schedule is to be verified by Pretrial Services. Defendant may also leave the Halfway house for purposes of meeting with her attorney. This is also to be approved by Pretrial services.
 - ☐ (d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses:
 - ☒ (e) report on a regular basis to the supervising officer as directed.
 - ☐ (f) comply with the following curfew:
 - ☐ (g) refrain from possessing a firearm, destructive device, or other dangerous weapon.
 - ☐ (h) refrain from excessive use of alcohol.
 - ☒ (i) refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. §802 unless prescribed by a licensed medical practitioner.
 - ☐ (j) undergo medical or psychiatric treatment and/or remain in an institution, as follows:
 - ☐ (k) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property
 - ☐ (l) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money:
 - ☐ (m) execute a bail bond with solvent sureties in the amount of \$
 - ☐ (n) return to custody each (week)day as of _____ o'clock after being released each (week)day as of _____ o'clock for employment, schooling or the following limited purpose(s):
 - ☐ (o) surrender any passport to
 - ☐ (p) obtain no passport
 - ☒ (q) the defendant will submit to drug/alcohol testing as directed by the pretrial office. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment, if deemed advisable by supervising officer.
 - ☐ (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.
 - ☐ (s) submit to an electronic monitoring program as directed by the supervising officer.
 - ☒ (t) **Obey all rules of the Halfway House.**

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

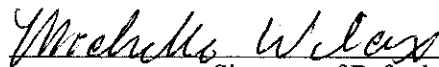
If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both.
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in additions to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.



Signature of Defendant

Address

City and State

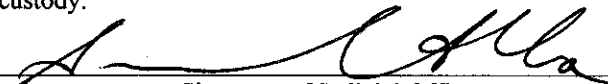
Telephone

Directions to the United States Marshal

- (X) The defendant is ORDERED released after processing.
() The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date:

8/23/06



Signature of Judicial Officer

Chief Magistrate Judge Samuel Alba

Name and Title of Judicial Officer

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 22 2006

MARKUS B. ZIMMER, CLERK
BY DEPUTY CLERK

DEREK A. COULTER (9022)
MELINDA BELL (10633)
The Law Office of Derek A. Coulter, P.C.
11576 South State St, Suite 503
Draper, Utah 84020
Attorney for Defendants
Telephone: (801) 501-0321
Facsimile: (801) 307-0318

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

ELAINE L. CHAO, SECRETARY OF
LABOR, UNITED STATES
DEPARTMENT OF LABOR,

Plaintiff,

v.

AKI INDUSTRIES, INC. and SHAWN
ATKINSON, individually,

Defendants,

ORDER GRANTING
STIPULATED MOTION TO
DISMISS DEFENDANTS' THIRD
PARTY COMPLAINT

Case No.: 2:06CV00081 DAK

Judge: Dale A. Kimball

The Court, upon stipulated motion of both parties, hereby ORDERS that Defendants' Third Party Complaint against Defendant Haynie & Company is hereby dismissed without prejudice.

BY THE COURT:


DISTRICT COURT JUDGE

8-22-2006

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 23 2006

MARKUS B. ZIMMER, CLERK
BY DEPUTY CLERK

R. Willis Orton (2484)
Peter C. Schofield (9447)
KIRTON & McCONKIE
1800 Eagle Gate Tower
60 East South Temple
P.O. Box 45120
Salt Lake City, Utah 84145-0120
Telephone: (801) 328-3600
Facsimile: (801) 321-4893

Attorneys for Defendants The Jaxara Group, LLC,
Daniel Boice, and Alexander Petty

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

SECUREALERT, INC.,)
)
Plaintiff,)

vs.)

THE JAXARA GROUP, LLC, DANIEL)
BOICE, and ALEXANDER PETTY,)
)
Defendants.)

THE JAXARA GROUP, LLC,)
)
Counterclaim Plaintiff,)

vs.)

SECUREALERT, INC.,)
)
Counterclaim Defendant.)

**ORDER GRANTING LEAVE TO
WITHDRAW AS COUNSEL OF
RECORD FOR DEFENDANTS**

Civ. No. 2:06CV00098

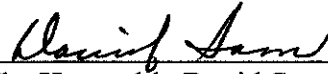
Judge David Sam

Based on the Application of counsel for Plaintiff, the Certificate of Peter C. Schofield, and for good cause appearing,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that R. Willis Orton, Peter C. Schofield, and the law firm of Kirton & McConkie are granted leave to withdraw as counsel for Defendants/Counterclaim Plaintiffs The Jaxara Group, LLC, Daniel Boice, and Alexander Petty.

DATED this 23rd day of August, 2006.

BY THE COURT:



The Honorable David Sam
United States District Court Judge

CERTIFICATE OF MAILING

I hereby certify that I caused a true and correct copy of the foregoing **ORDER GRANTING LEAVE TO WITHDRAW AS COUNSEL OF RECORD FOR DEFENDANTS** to be delivered, as designated, this ____ day of August, 2006, to the following:

Helen L. Duncan (Ca #101661)
Brandon C. Fermal (Ca #222429)
Tarifa Laddon (Ca #240419)
FULBRIGHT & JAWORSKI L.L.P.
555 South Flower Street, 41st Flr.
Los Angeles, California 90071

(X) U.S. Mail, Postage Prepaid
() Hand Delivered
() Overnight Mail
() Facsimile
() Electronic/email

J. Michael Bailey (Ut #4965)
PARSONS BEHLE & LATIMER
One Utah Center
201 South Main Street, #1800
Salt Lake City, Utah 84111

(X) U.S. Mail, Postage Prepaid
() Hand Delivered
() Overnight Mail
() Facsimile
() Electronic/email

The Jaxara Group, LLC
Daniel Boice
Alexander Petty
2720 Williamsburg Street, Suite 404
Alexandria, VA 22314

(X) U.S. Mail, Postage Prepaid
() Hand Delivered
() Overnight Mail
() Facsimile
(X) Electronic/email

14005.0002 915542

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

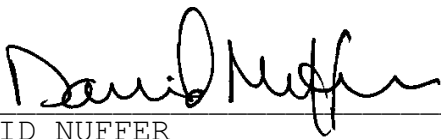
LARRY ALLEN VIGIL,)	
)	
Plaintiff,	)	Case No. 2:06-CV-164 DAK
)	
v.	)	District Judge Dale Kimball
)	
SHERIFF KENNARD et al.,	)	O R D E R
)	
Defendants.	)	Magistrate Judge David Nuffer

Plaintiff, Larry Allen Vigil, filed a *pro se* civil rights complaint and moved for service of process. According to a recent motion asking for an extension of time in which to show proof of service of process, Plaintiff apparently changed his mind and made plans to serve the complaint himself.

IT IS THEREFORE ORDERED that Plaintiff's motion is denied as moot. (See File Entry # 4.)

DATED this 22nd day of August, 2006.

BY THE COURT:



DAVID NUFFER
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH
AUG 15 2006
BY MARKUS B. ZIMMER, CLERK
DEPUTY CLERK

LARRAINE PLATT,

Plaintiff,

v.

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

Court No. 2:06CV 00244DON

ORDER

Magistrate Judge David Nuffer

Based upon Defendant's Unopposed Motion To Remand and good cause appearing therefor,

IT IS HEREBY ORDERED that pursuant to sentence four of 42 U.S.C. § 405(g), this case is remanded to the Commissioner for further administrative proceedings. IT IS FURTHER ORDERED that judgment shall be entered in accordance with Fed. R. Civ. P. 58, consistent with the United States Supreme Court's decision in Shalala v. Schaefer, 509 U.S. 292, 296-302 (1993).

Accordingly, this action shall be dismissed.

DATED this 15th day of August, 2006.

BY THE COURT


Honorable David Nuffer
United States Magistrate Judge

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA

Plaintiff,

vs.

BROWN KAPLAR, PHYLLIS KAPLAR,
UTAH STATE TAX COMMISSION,
RULON FREDERICK DEYOUNG d/b/a
ORDER OF THE TRANQUILITY

Defendants.

ORDER DENYING DEFENDANTS'
DISMISSAL DEMAND FOR QUASHING
TWENTY (20) DAY SUMMONS

Case No. 2:06cv00261

At issue before the court is the defendants' Dismissal Demand for Quashing Twenty (20) Day Summons. Upon reviewing the demand, the court construes it as a challenge both to the court's jurisdiction over the case and to the authority of the Judge Wells to hear the case.

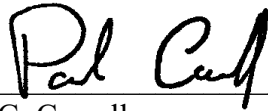
With regard to the jurisdictional challenge, the defendants seem to have advanced the same arguments in their Amended Timely Petition for Quashing as they do in their dismissal demand. It does not appear that the defendants have advanced any new arguments. Judge Wells appropriately addressed those objections to the court's jurisdiction in her Order Denying Defendants' Amended Timely Petition. Therefore, the defendants' current jurisdictional challenge is denied on the same grounds Judge Wells cited in her order. The defendants'

challenge to the authority of Judge Wells to hear the case is also denied. Judge Wells' authority to hear these issues derives from 28 U.S.C. § 636(b)(1).

Accordingly, the court DENIES the defendants' dismissal demand [#17].

DATED this 23rd day of August, 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Paul Cassell", written over a horizontal line.

Paul G. Cassell
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

IRVING K. BIGELOW, an individual,

Plaintiff,

vs.

STATE OF UTAH et al.,

Defendants.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 2:06CV516 DAK

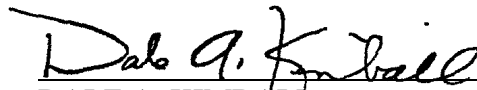
This matter is before the court on the Report and Recommendation issued by the Magistrate Judge on July 11, 2006. On July 5, 2006, this case was referred to the Magistrate Judge under 28 U.S.C. § 636(b)(1)(B). In her July 11, 2006 Report and Recommendation, the Magistrate Judge recommended, after a thorough review of Mr. Bigelow's Complaint, that the action should be dismissed for failure to state a claim upon which relief may be granted. Given the Magistrate Judge's recommendation, she also determined that Mr. Bigelow's Motion for Service of Process be denied.

Mr. Bigelow has not objected to the Report and Recommendation, and the time for doing so has elapsed. The court has reviewed the file *de novo* and hereby APPROVES and ADOPTS the Magistrate Judge's Report and Recommendation in its entirety. Mr. Bigelow's action is

hereby DISMISSED.

DATED this 23rd day of August, 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Dale A. Kimball", is written over a horizontal line.

DALE A. KIMBALL

United States District Judge

AUG 22 2006

MARKUS B. ZIMMER, CLERK

~~BY~~

DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

R. Kimball Mosier, et al.,

Plaintiffs,

V.

Callister, Nebeker & McCullough, et al.,

Defendants.


ORDER OF RECUSAL

Civil No. 2:06CV677

I recuse myself in this case, and ask that the appropriate assignment card equalization be drawn by the clerk's office.

DATED this 21st day of August, 2006.

BY THE COURT:


DALE A. KIMBALL

United States District Judge

Judge Ted Stewart
DECK TYPE: Civil
DATE STAMP: 08/23/2006 @ 09:32:21
CASE NUMBER: 2:06CV00677 TS

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 23 2006
MARKUS B. ZIMMER, CLERK
BY _____
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH – CENTRAL DIVISION

LOS ANGELES HOMEOWNERS AID,
INC.,

Plaintiff,

vs.

HOLLI LUNDAHL and JIM
KEDDINGTON,

Defendants.

**ORDER ADOPTING REPORT &
RECOMMENDATION**

Case No. 2:06-MC-00619


Judge Dee Benson

On July 5, 2006, Defendants Holli Lundahl and Jim Keddington petitioned this Court to remove state case no. 050100206. Pursuant to this Court's Order dated July 8, 2004, Magistrate Judge Alba reviewed the defendants' petition for removal to determine whether it was meritorious, duplicative or frivolous. On July 27, 2006, Magistrate Judge Alba issued a Report and Recommendation recommending that the Court refuse to file defendants' notice of removal. The parties were given ten days to file objections to the Report and Recommendation. No party filed an objection to the Report and Recommendation.

The Court has reviewed the issues *de novo* and agrees with Magistrate Judge Alba's Report and Recommendation. Accordingly, the Report and Recommendation is adopted per order of this Court. The Defendants' petition to remove state case no. 050100206 is hereby DENIED.

IT IS SO ORDERED.

DATED this 22nd day of August, 2006.


Dee Benson
United States District Judge